

# STATE OF MONTANA BOARD OF PARDONS AND PAROLE



## BIENNIAL REPORT January 2009

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# BOARD OF PARDONS AND PAROLE GOALS, OBJECTIVES, AND DUTIES

## MISSION STATEMENT

The Board of Pardons and Parole, as part of the criminal justice process, serves all Montana citizens by administering a flexible system of punishment, which fully protects society. All employees and members of the Board of Pardons and Parole are committed to securing the effective application of and improvements to the clemency and release system as well as of the laws upon which they are based. The parole process is administered in an effective, humane, safe, and just fashion.

## STATUTORY AUTHORITY

<u>2-15-121, MCA:</u>	Defines the administrative attachment of the Board of Pardons and Parole.
<u>2-15-124, MCA:</u>	Define the requirements of quasi-judicial boards.
<u>2-15-Part 23, MCA:</u>	Establishes the Board of Pardons and Parole and defines the composition, allocation, and quasi-judicial status of the Board.
<u>46-18-Part 1, MCA:</u>	Establishes state correctional policy and preliminary procedures.
<u>46-23-Part 1, MCA:</u>	Establishes and defines the general provisions of the Board of Pardons and Parole.
<u>46-23-Part 2, MCA:</u>	Establishes the general provisions for granting parole and defines the authority and responsibilities of the Board of Pardons and Parole.
<u>46-23-Part 3, MCA:</u>	Establishes and defines the conditions, authorities, and responsibilities for clemency.
<u>46-23-Part 10, MCA:</u>	Establishes and defines the conditions, authority, and responsibilities for supervision and revocation.
<u>10 FTE</u>	Executive Director Parole Board Analysts (5) Administrative Support (4) Citizen Board Members (7)

## 2011 BIENNIUM BUDGET REQUESTS

<u>New Proposals</u>	<u>FY 2010</u>	<u>FY 2011</u>
Records Manager	\$47,760	\$45,260
Wireless Laptop Computers	\$18,200	
Office Space	\$40,202	\$40,202
<u>Present Law</u>		
Secretary-File Clerk	\$37,551	\$35,051
Parole Board member Compensation	\$40,425	\$40,425
ACA Accreditation for 2010-2013	\$6,000	
<b><u>Total Requests</u></b>	<b>\$190,138</b>	<b>\$160, 938</b>

## **BOARD OF PARDONS AND PAROLE - 10.0 FTE**

### **EXECUTIVE DIRECTOR (Craig Thomas)**

- Directs the daily operation of the Board of Pardons and Parole
- Represents the Board in matters of policy, interdepartmental cooperation, and communications with political and judicial bodies
- Oversees all matters of personnel, budget, and distribution of work

### **SENIOR PAROLE BOARD ANALYST (Julie Thomas)**

- Assumes duties of Executive Director in his absence
- Interviews inmates for parole consideration, gathers and analyzes information, and makes specific recommendations to the Board on inmate release risk
- Responsible for BOPP Information System
- Prepares parole reports and makes release recommendations

### **PAROLE BOARD ANALYST (Fern Osler – Billings Office)**

- Responsible for Montana Women's Prison, Billings pre-release centers and Dawson County Correctional Center
- A member of pre-release and initial classification committees
- Prepares parole reports and makes release recommendations

### **PAROLD BOARD ANALYST**

- A member of pre-release and initial classification committees
- Victim Services Coordinator
- Prepares parole reports and makes release recommendations (all pre-release centers)

### **PAROLE BOARD ANALYST (Brian Callarman)**

- Responsible for the pre-parole program
- A member of pre-release and initial classification committees
- Prepares parole reports and makes release recommendations (MSP)

### **PAROLE BOARD ANALYST (John Cameron-Great Falls office)**

- Responsible for the Crossroads Correctional Center and Great Falls Regional Prison
- Responsible for the pre-parole program

### **ADMINISTRATIVE ASSISTANT (Cathy Leaver)**

- Organizes the Parole Board hearing data
- Records Parole Board dispositions
- Processes reports regarding parole, executive clemency, and supervised release

### **ADMINISTRATIVE ASSISTANT (Lisa Wirth)**

- Prepares placement investigations and release documents
- Prepares correspondence and reports
- Maintains Board confidential files and records dispositions

### **ADMINISTRATIVE SUPPORT (Dotsie Lucier)**

- Answers telephone
- Distributes and processes all mail
- Files pertinent material in inmate files as necessary

### **ADMINISTRATIVE SUPPORT (Michelle Oliver)**

- Responsible for file management
- Files pertinent material in inmate files as necessary

## FUNDAMENTALS

The Montana State Board of Pardons and Parole is composed of three members and four auxiliary members. Each member is appointed by the Governor for staggered four year terms subject to confirmation by the State Senate. The Governor appoints the Chair in accordance with State law. The Vice-Chair and Secretary are elected in an executive session by the members.

The Board was created by legislative action in 1955. There has been some form of parole within Montana since 1889. In 1979, 1995, and 2003, the addition of auxiliary members was provided by the legislature.

The Board is part of the Executive Branch of State government and is attached to the Department of Corrections for administrative purposes only. The Board performs quasi-judicial and policy-making functions independently of that Department.

### DEFINITIONS:

"Board" means the Board of Pardons and Parole as authorized in 2-15-2302 and 46-23-104, MCA.

"Capital Offense" means an offense for which the District Court imposed the death penalty.

"Conditional Release" is a process by which eligible inmates sentenced to the Department of Corrections may be released from a correctional facility to serve their sentences in the community.

"Controlling Sentence" means the sentence(s) that, based on a District Court Judgment, requires the longest period of time served to parole eligibility.

"Dead Time" means the period of time from the date a parole violation warrant is issued to the date a violator is arrested on the warrant and the determination whether this time should be counted as time under the term. This also includes time served in another state for a crime committed on parole.

"Department" means the Department of Corrections as authorized in 2-15-230, MCA.

"Designed Capacity" means the maximum average daily inmate population of a correctional institution as established by legislative appropriation.

"Discharge" means the release from custody upon completion of a term. *Flat discharge* means release without a period of supervision to follow. *Discharge balance suspended* means release with a period of probation to follow.

"Good Time Allowance" means days awarded by the Department of Corrections which operate as a credit on the inmate's sentence. (Repealed, effective January 1997)

"Hearing" means the personal appearance of an inmate before the Board for release consideration, Executive Clemency, or revocation.

"Inmate/Prisoner/Offender" means any person sentenced by a State District Court to a term of confinement in a State correctional institution or program.

"Maximum Time" means those sentences or terms that invoke the 17½-year parole eligibility rules (eliminated by the 1995 Legislature).

"Parole" means the release of an inmate into the community prior to the completion of a sentence subject to the orders of the Board and the supervision of the Department.

"Parole Certificate" means the document signed by the Board Chairman and Executive Director authorizing the release from confinement to parole.

"Parole Eligibility" means the earliest possible date a person may be released from confinement to parole supervision.

"Rescission" means an action of the Board that annuls or voids a prior release disposition.

"Review" means the annual/biennial informal administrative process of considering the conduct and progress of an inmate/prisoner to determine if reappearance or parole is desirable.

"Rules" means the conditions, limitations, and restrictions upon which parole is subject.

"Sentence" means the penalty imposed by a particular District Court for a specific felony offense.

"Sentence Commencement" means to begin service of a consecutive sentence which was imposed after reception and for crimes committed in prison or while on parole, furlough, or supervised release without the granting of parole.

"Term" means the total period of time for which an inmate was ordered to serve in a State correctional institution or program.

"Victim" means a person who suffers loss of property, bodily injury, or death as a result of: the commission of an offense; the good faith effort to prevent the commission of an offense; the good faith effort to apprehend a person reasonably suspected of committing an offense; the estate of the deceased or incapacitated victim or a member of the immediate family of a homicide victim; a governmental entity that suffers loss of property as a result of the commission of an offense in this state; or an insurer or surety with a right of subrogation to the extent it has reimbursed the victim of the offense for pecuniary loss. A victim does not include a person who is accountable for the crime arising from the same transaction.

## PARAMOUNT OBJECTIVES OF THE BOARD

1. The primary objective of the Board is to carefully review each eligible prisoner nearing the end of a period of incarceration set by the court. Parole may be granted when, in the Board's opinion, there is a reasonable probability that the prisoner can be released without detriment to the inmate or community.
2. To make every feasible effort to bring about the rehabilitation of those inmates incarcerated or released and demands all prisoners demonstrate they are no longer a danger to society before seriously considering release.
3. To allow victims to present a statement concerning the effects of the crime on the victim or family including, but not limited to, their opinion on release of an offender.
4. To set specific conditions which must be met prior to release.
5. To set specific and individual conditions for prisoners once on parole which must be agreed to prior to release.
6. To monitor offenders carefully through a network of professional parole officers and return promptly to custody offenders who are unable or unwilling to adjust to parole supervision, violate conditions of their release, and are endangering public safety.
7. To protect society by not releasing inmates and extending the time in prison for more violent and dangerous offenders.
8. To recommend to the governor pardons and commutation of sentences for those offenders meeting specific criteria.
9. To carefully review, approve or deny, and set the conditions of conditional discharges from supervision.

### **PAROLE: A FLEXIBLE SYSTEM OF REHABILITATION AND PUNISHMENT**

Parole pertains to **how** punishment is administered, not **how much** punishment is administered. A parole system mandates earned release; a system without parole means automatic release. The length of time in prison an offender must spend before being reviewed by the Board can be short or long. The courts and legislature set the minimum and maximum amount of prison time to be served. The current sentencing structure is a flexible system for punishing offenders and protecting the public. There are typically three phases if an offender is sentenced to Montana State Prison:

1. The first phase requires an offender to serve 25% of the sentence entirely in custody. By setting a sentence considering parole eligibility established by law, the Judge can virtually always assure a period of incarceration that he or she feels is appropriate for the punishment of the offender and the safety of the community.
2. Only upon completion of phase I can an offender become eligible for parole. The second



portion of the sentence can be served either in custody or in the community, depending upon the severity of the crime and risk presented by the offender. It is here that the Board can significantly lengthen the time served for dangerous offenders. The Board has the advantage of receiving any new information, which may have come to light about the offender, studying the prisoner's behavior in prison, and hearing personally from victims and criminal justice authorities as they review the case. Members also have the advantage of months and years of gathering information that truly assesses an offender's record and character.

3. A third phase of punishment may be served in the community under supervision and the requirements set by the Board. If an offender violates the conditions, the Board can quickly return the offender to custody to serve the remainder of the term.

Courts have consistently ruled that parole in Montana is a privilege and not a right. The Board of Pardons and Parole is required to give offenders meaningful access to the members and when parole is denied, the Board must issue a written decision informing the offender in what respects he or she falls short of qualifying for parole. The release decision is necessarily objective and predictive and Montana law gives the Board very broad discretion.

## HISTORY OF THE BOARD OF PARDONS AND PAROLE

Creation of the Board of Pardons (1889). The origins of the Board of Pardons and Parole can be traced to the 1889 Montana Constitution. Article VII, Section 9, of the constitution authorized the Governor to grant pardons, remit fines and forfeitures, and commute punishments subject to the approval of a Board of Pardons. The constitution directed the Legislature to provide for the appointment, composition, powers, and duties of the Board.

Parole by the Board of Prison Commissioners (1907). Sixteen years later, the Legislature provided for the parole of prisoners (Ch. 95, L. 1907). The 1907 legislation authorized the State Board of Prison Commissioners, consisting of the Governor, Secretary of State, and Attorney General, to parole an inmate of the Montana State Prison (MSP).

Parole and Executive Clemency Functions Merged (1955). For the next 48 years, a dual board system existed. The Board of Pardons reviewed Executive Clemency matters, while the State Board of Prison Commissioners handled paroles. In 1955, however, the functions of the two boards were combined and assigned to a reconstituted Board of Pardons (Ch. 153, L. 1955). The Board consisted of three members appointed by the Governor with the advice and consent of the Senate. Members served staggered six-year terms.

Board Transferred to Department of Institutions (1971). Under the 1971 Executive Reorganization Act, the Board of Pardons was transferred to the Department of Institutions (now called the Department of Corrections) for administrative purposes only. In addition, the position of State Director of Probation and Parole was renamed the Administrator of Probation and Parole (Ch. 272, L. 1971).

Change in Montana Code Annotated (1995).

- (A). The 1995 Legislature eliminated good time for the purposes of parole eligibility effective April 13, 1995, and entirely effective January 31, 1997. **Unless the court otherwise orders, all inmates will serve 25% of their sentence prior to becoming parole eligible and will serve 100% of their sentence to discharge.** The Legislature also eliminated the provision that requires parole appearance on a time sentence after 17½ years and required 30 years to be served on a life sentence. Offenders previously served approximately 15 to 18 years on a life term. Additionally, the 1995 Legislature eliminated the 120-day, early consideration and non-dangerous/dangerous designation. This applies to crimes committed **on or after April 13, 1995.**
- (B). The Board of Pardons was renamed the Board of Pardons **and Parole** because the majority of the Board's functions directly pertain to parole issues. (See Figure 1)

Changes in Montana Code Annotated (2003). The 2003 Legislature authorized the appointment of two-member hearing panels which have the full authority and power of the Board to order the denial, grant, or revocation of parole. Additionally, two auxiliary members were added and all members are now required to receive training in American Indian culture and problems.

Changes in Montana Code Annotated (2005). The 2005 legislature significantly mortified the Medical Parole criteria.

## CURRENT PAROLE BOARD MEMBERS

<u>Name</u>	<u>Occupation</u>	<u>Appointed</u>	<u>Expires</u>
Vance Curtiss	Retired	4/30/2005	<b>1/1/2009</b>
Margaret Bowman	Businesswoman	1/9/2006	1/1/2010
John Rex	CD Program Director	4/12/2007	1/1/2011
Mike McKee	Retired	4/12/2007	1/1/2011
Moke Eaglefeathers	Director NAIA	4/30/2005	<b>1/1/2009</b>
Darryl Dupuis	Retired	1/9/2006	1/1/2010
Teresa O'Connor	Attorney	4/30/2005	<b>1/1/2009</b>

Parole Board members serve staggered terms. The Governor appoints one member and two auxiliary members in January of the first year of the term. A third member and one auxiliary member are appointed in January of the second year of the Governor's term. The remaining member and an auxiliary member are appointed in January of the third year.

Margaret Bowman, Melbert Eaglefeathers, and Darryl Dupuis are enrolled tribal members. All members have received training that addresses: (a) the culture and problems of Montana tribes and reservations; (b) statistical and comparative data regarding correctional populations; (c) distinctions between urban and reservation populations; (d) federal, state, and local community services available to paroled or discharged American Indian inmates; (e) state and federal law and rules pertinent to board operations; (f) offender pathology, treatment, and supervision; and (g) department of corrections organization. Training was held in Lewistown, MT in October 2007 and Billings, Mt in December 2008.

### MCA 2-15-2301, Board of Pardons and Parole-composition-allocation-quasi-judicial.

- (1) There is a Board of Pardons and Parole.
- (2) Members of the Board, including the auxiliary members, shall possess academic training which has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed can be substituted for these educational requirements.
- (3) The auxiliary members shall attend any meeting that a regular Board member is unable to attend and, at that time, have all the rights and responsibilities of a regular Board member.
- (4) The Board is a quasi-judicial body and is entitled to *quasi-judicial immunity* for acts performed within their official capacity.

## LEGAL AUTHORITY OF BOARD OF PARDONS AND PAROLE

### LEGAL ADVISOR:

46-23-105 MCA, 1991: The Board may appoint any qualified attorney or the Attorney General to act as its legal advisor and represent it at all proceedings whenever so requested by the Board.

### **INFORMATION FROM COURTS TO BOARD:**

46-23-106 MCA, 1991: It shall be the duty of the court disposing of any criminal case to cause to be transmitted to the Board of Pardons and Parole statistical data in accordance with regulations issued by the Board regarding all dispositions of defendants whether found guilty or discharged.

### **AUTHORITY OF BOARD TO ADOPT RULES:**

46-23-218 MCA, 1991: The Board may adopt any other rules it considers proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole hearings, and conditions to be imposed upon parolees.

### **CONDITIONS OF PAROLE:**

46-23-215 MCA, 1991: A prisoner, while on parole, remains in the legal custody of the institution from which the prisoner was released but is subject to the orders of the Board.

When an order for parole is issued, it must recite the conditions of parole. If restitution was imposed as part of the sentence under 46-18-201, the order of parole must contain a condition to pay restitution to the victim. An order for parole or any parole agreement signed by a prisoner may contain a clause waiving extradition. (See Appendix for example of rules).

### **PROBATION AND CONDITIONAL RELEASE ARE NOT PAROLE:**

**Probation** is the suspension or deferral of a prison or Department commitment by the District Court. The District Court retains jurisdiction and the offender is placed under community supervision subject to the conditions imposed by the court. Probation officers in the community supervise these offenders and the District Court is responsible for revocation after a due process hearing.

**Conditional Release** is a program implemented by the Department of Corrections (DOC). As an alternative to commitment to a prison, under 46-18-201, MCA, a District Judge may commit an offender to the DOC for up to five years with a recommendation for placement in an appropriate correctional facility or program. DOC commits entering prison from any source after February 1, 2003, can only be released from prison via a parole from the Montana Board of Pardons and Parole or by discharging their sentence. DOC commits who are in a pre-release center, boot camp, Connections Corrections, or on ISP prior to February 1, 2003, will be eligible for either parole or conditional release. After February 1, 2003, DOC commits admitted to the above community corrections programs that have not been to prison on their current sentence will not be eligible for parole and must be released on conditional release.

### **CONFIDENTIALITY OF RECORDS:**

46-23-110 MCA, 1999: The Board or a Board staff member determines whether any document in the Board file is subject to a personal privacy or safety interest that clearly exceeds the merits of public disclosure. The Board may not withhold any more information than is required to protect these interests.

The Board may charge a fee for copying and inspecting material and may limit the time and place that the records may be inspected or copied. A victim's statement may be kept confidential.

### **ADMINISTRATIVE ATTACHMENT:**

The Montana Legislature allocated the Board of Pardons and Parole to the Department of Corrections for administrative purposes only following the 1971 Executive Reorganization Act. However, the Board is autonomous, hires its own personnel, and sets its own policy independent of the Department of Corrections and without approval or control of the Department of Corrections. The Parole Board is not responsible for the care and custody of inmates nor is it in charge of supervising parole and probation officers. ***Why is a separate and independent paroling authority a significant factor?*** 1). The distribution of power within a correctional system must be distributed in a manner that will reduce the potential for misuse of power, a flexible system of punishment and checks and balances. 2). A citizen Board with members who have no vested interests can review offenders based on community safety and are not unduly influenced by the pressures of system management. 3). When corrections personnel do their job as they should, they become deeply involved in the lives of the inmates under their jurisdiction. Consequently, the tendency is to be influenced, either positively or negatively, by factors the inmates present; factors such as institutional behavior and current progress. Board members focus on many factors in addition to institutional adjustment, especially factors with predictive significance such as criminal history, nature and severity of the offense, and prior community adjustment. 4). When the question of whether a parolee's behavior has deteriorated to the point where revocation is necessary, this decision must be subject to review by a body not involved in day-by-day supervision and system management. **In effect, the Board becomes a body that, among other responsibilities, is required to review the "products" of correctional programs.**

The separate and distinct roles of the corrections personnel and the parole board inevitably mean there will be periodic tension between the two agencies. However, this is one of the results of the checks and balance system, **the ultimate purpose of which is the protection of citizens and inmates.**

## **PAROLE PROCESS**

### **PAROLE ELIGIBILITY:**

The minimum (initial parole eligibility) and maximum (sentence expiration) sentence lengths are set by the legislature and the district court. An inmate **sentenced to or classified and housed in a state prison** meeting the qualifications must be considered for parole. Parole is an earned privilege and may be granted only in the best interest of society and when the Board feels the offender is willing and capable of being a law-abiding citizen. Parole is not a reduction of a sentence or an award of clemency.

The Board staff administers a pre-parole program that centers on Board staff participating in the initial classification of inmates. The Board staff personally advises the new inmates of the types of prison programs, treatment accomplishments, and behavior or conduct expected which may enhance the offender's possibility of success on parole.

### **PROCESS:**

All calculations for parole eligibility are done by the Department of Corrections' Records Department. Each month, an initial parole eligibility list is sent to the Board and these offenders, along with any reconsideration set by the Board, are scheduled for a public hearing unless the offender has been deemed ineligible for parole consideration by court order. Cases are usually reviewed 60 days prior to initial eligibility. The inmate is notified in writing regarding the date of the hearing. The inmate then will develop a parole plan to be presented to the Board. When present staffing allows, Board staff will conduct a pre-parole school approximately 30 days in advance of the inmate's scheduled Board meeting to assist and facilitate the completion of this release plan. The offender will appear before the Board members, at which time oral testimony is taken from all interested parties and the members review the offender's records. In most cases, a written disposition is rendered immediately following the hearing. (Please see Appendix for examples of case dispositions).

All interviews and hearings before the Board are conducted informally under the direction of the Chair or a designee. An inmate who is not interested in parole release may waive the right to personally appear before the Board. The inmate will acknowledge the fact the Board will render a decision based on the written record and on the fact the inmate is not interested in parole. Interested persons may appear before the Board but must notify the Board at least ten days prior to the hearing. The Board has discretion in determining the number of persons who can attend the hearing and the Board generally excludes minors. To protect individual privacy rights, the Board may close a meeting to discuss confidential information.

### **MEDICAL PAROLE:**

In the Board's opinion, medical parole is applications are most appropriate for offenders who have not served minimum time to be eligible for non-medical standard parole. The Board may release a person on medical parole, except a person under sentence of death at anytime eligibility requirements are met. To be eligible for a medical parole, a person must have an examination and written diagnosis by a physician licensed under Title 37 to practice medicine. The diagnosis must include a determination that the person suffers from an incapacitating physical condition, disease, or syndrome that renders the person highly unlikely to present a clear and present danger to public safety; a description of the physical condition, disease, or syndrome; and a detailed description of the person's physical incapacity and prognosis addressing the likelihood of the person's recovery from the physical condition, disease, or syndrome and the extent of any potential recovery. The diagnosis must be reviewed and accepted by the Department of Corrections before the Board may consider granting a medical parole.

The Board requires as a condition of medical parole that the person agrees to placement in an environment chosen by the Department during the parole period, including but not limited to a hospital, nursing home, or family home. The Board may require as a condition of parole that the person agree to periodic examinations and diagnosis at the person's expense. Reports of each examination and diagnosis must be submitted to the Board and Department by the examining physician. If either the Board or the Department determines that the person's physical capacity has improved to the extent that the person is likely to pose a possible detriment to society, the Board will revoke the medical parole and return the person to the custody of the Department.

Medical parole may be requested by the Board, the Department, an incarcerated person, or an incarcerated person's parent, grandparent, child, or sibling by submitting the request in writing to the administrator of the correctional institution in which the person is incarcerated.

#### **NOTIFICATION AND COMMUNITY RESPONSE:**

The Board provides written notification of parole consideration to the sentencing judge(s), prosecuting attorneys, law enforcement officials from the county of commitment, probation and parole authorities, and victims of an offender. The Board actively solicits comments and testimony regarding the possible release of the offender. (See Appendix for example of Notice).

#### **ALTERNATIVES TO PRISON PLACEMENT:**

The Treasure State Correctional Training Center, pre-release centers, and other appropriate correctional programs across the State are extensions of Montana State Prison. Offenders in residence at these facilities continue to be classified as inmates. Generally, for parole purposes, court ordered programs and Board directed programs obtained in these facilities are acceptable to the Board.

#### **PRE-PAROLE INVESTIGATION:**

Before the Board interviews an inmate for parole consideration, it requests detailed reports and recommendations from prison counselors, Board staff, and, if a case warrants, from professional staff, such as psychologists. Sources of information include arrest and court records, pre-sentence investigations, and existing psychological evaluations and reports from any treatment programs an inmate may have attended. Also considered are institutional work and conduct records, rehabilitative efforts, and community response. This information is considered confidential criminal justice information. The Board views this information as advancing a penological interest and will review all requests to release this information individually.

#### **PAROLE PLAN:**

A comprehensive parole plan must be prepared by each inmate for Board consideration. Each plan will include a suitable living situation, gainful employment, or training or a school program guaranteed by a responsible and reputable person, firm, or institution. All release plans will be approved by the local Adult Probation and Parole staff prior to an offender being released on parole.

To appear for an interview before the Board or prior to release on parole, an inmate should have a minimum of 120 days of disciplinary-free status. If the inmate resides in a community-based facility, 90 days will be required. If parole has been granted, the Board may delay release up to 120 days from the date of each major disciplinary report, if it is determined rescission is not in order.



**FACTORS IN PAROLE DECISIONS: (criteria)**

The Board has identified certain factors as significant when considering an offender for parole. They will determine if, in their opinion:

1. The inmate can be released without being a detriment to him/herself or community.
2. The best interests of society are furthered.
3. The inmate is able and willing to fulfill the obligations of a law-abiding citizen.
4. Continued correctional treatment would substantially enhance the inmate's capacity to lead a law-abiding life.

The Board will not parole an inmate if there is a substantial reason to believe the inmate will engage in further criminal conduct or will not conform to specific conditions of parole.

**CONSIDER THESE:****HISTORY**

1. Education, training, occupational skills, and employment history.
2. Past use of narcotics or habitual excessive use of alcohol.
3. Circumstances of the offense for which the inmate is serving a sentence.
4. Criminal records, including nature of crimes, recency, and frequency.
5. Behavior and attitude while previously supervised on probation or parole.

**PRISON RECORD**

1. Attitude toward law and authority.
2. Institutional conduct, including disciplinary reports.
3. Work evaluations and work history.
4. Utilization of treatment opportunities.
5. Utilization of vocational and educational opportunities.
6. Maturity, stability, and behaviors consistent with the general population.
7. Noticeable attitude changes since incarceration.
8. Mental or physical makeup, for instance, physical and emotional status.
9. Risk Assessment Tool

**FORWARD VIEW**

1. Family status, including whether the offender's relatives or other close associates in the community display an interest.
2. Residence, neighborhood, or community of planned residence.
3. Adequacy of parole plans.
4. Availability of community resources and their value to the inmate.



**WAIVER:**

An inmate may voluntarily waive a parole hearing by notifying the Board in writing. However, a mandatory hearing will be scheduled within six months. Any inmate who has waived a Parole Board hearing may see the Board earlier by giving at least 30 days written notice. Additional waivers may be allowed under certain circumstances, but must be approved by the Board.

**NOTIFICATION OF DECISION:**

All decisions issued from the Board are in writing and must be signed by at least two Board members. When an inmate has been denied parole, written notification will include the date of any future Board consideration. The disposition will include any special conditions or terms to be required by those granted parole. (See Appendix for example of dispositions).

**RESCISSION AND RELEASE DELAY:**

Parole may be withdrawn prior to release as a result of improper conduct or new evidence and information that were not available for the hearing at which parole was granted. The Board may delay parole release as a result of improper conduct or new evidence and information if rescission is not in order.

**PAROLE SUPERVISION:**

An inmate's parole is subject to all rules and conditions set by the Board and violations thereof subject the parolee to revocation and return to custody to serve the remainder of the sentence. Rules and conditions are stated in writing and are part of an agreement signed by the parolee. Parolees are also required to pay a monthly supervision fees to the Department of Corrections. (See Appendix for an example of parole rules).

**10 DAY FURLOUGH:**

Upon receiving a parole from the Board, an inmate may request from the Board a furlough not to exceed two 10-day periods. The purpose of the furlough program is to afford an offender the opportunity to acquire suitable living arrangements, employment, or any condition that is difficult to fulfill while incarcerated.

**CONDITIONAL DISCHARGE FROM SUPERVISION:**

Should a parole officer recommend and should the Board determine it is in the best interest of the parolee and society, the Board may grant a Conditional Discharge. Parolees are required to report to Probation and Parole by mail once per year. However, parole may be revoked if the parolee violates any condition the Board imposes. The parolee may then be returned to active supervision or custody to serve the remainder of the sentence.

A parolee convicted of a violent offense may be recommended for conditional discharge after a minimum time served on parole of four consecutive years with satisfactory adjustment or three consecutive years with exemplary adjustment. A parolee convicted of a nonviolent offense can be recommended for conditional discharge after three consecutive years satisfactory adjustment and two consecutive years exemplary adjustment.

### **FINAL DISCHARGE:**

When a person is released on parole, the projected date of discharge from parole supervision will be stated on the parole certificate. If all sentences have been completed, the person will receive written notice of discharge signed by the Governor and the Board of Pardons and Parole (no final discharge is issued if a probation term follows). With the exception of jury duty, upon termination of State supervision, the person is restored civil rights and full citizenship.

## **PAROLE REVOCATION**

### **REVOCATION ARREST:**

When a parolee has allegedly violated a condition of his release, the Department of Corrections may issue a warrant for the parolee's arrest.

### **ON-SITE HEARING:**

In most circumstances, an arrested parolee is afforded a preliminary hearing within a reasonable time at or near the place of the alleged violation. The parolee's supervising officer and a hearing officer conduct this hearing. The independent hearing officer need not be a judicial officer. The purpose of the hearing is to determine whether there is probable cause to believe the parolee violated one or more parole conditions or whether the offender should be held in custody pending the Board's decision on revocation.

If probable cause is found, the Board will schedule a formal revocation hearing at the next regularly scheduled Board meeting following the offender's return to Montana State Prison. The parolee may waive the right to an on-site hearing but by doing so, the offender admits to the violations as outlined in the report of violation.

### **FINAL HEARING:**

A parolee may request a continuance of a formal revocation hearing for substantial reason. The parolee may be represented by council and have witnesses with testimony relating only to the charges of violation. The purpose of the full hearing is to make final decision on whether there is a violation of parole conditions and whether the violation warrants a return to custody and for how long. If a parolee admits to the violation, the parolee can waive the right to a hearing before the Board. The Board will make a final decision based on the record.

Revocation hearings are recorded. Following the decision, a written copy of the decision is given to the parolee in a timely manner. The Board decision is based on the reports of the supervising officer, the report of the on-site hearing (if there was one), and information and evidence presented at the hearing. The burden of proof is a preponderance of the evidence. Any parolee who commits a crime while on parole or conditional release and who is convicted and sentenced, serves the sentence consecutively with the remainder of the original term unless the court otherwise orders.

The Board will determine if dead time applies and how much is to be applied in individual cases. Dead time is that portion of time spent on parole (the time from the issuing of the parole violation warrant until the offenders' return to custody) that is not to be counted toward time served on the original sentence.

## EXECUTIVE CLEMENCY

There are three major kinds of Executive Clemency in Montana:

- (1) ***Pardon*** - a declaration of record that an individual is to be relieved of all legal consequences of a prior conviction.
- (2) ***Commutation*** - involves the mitigation of a criminal punishment through the substitution of a lesser sentence for a greater one.
- (3) ***Remission of Fines and Forfeitures***

The legal effect of a commutation is quite different from that of a pardon. Commutation involves the mitigation of criminal punishment through substitution of a lesser sentence for a greater one.

The substitution of a lesser sentence for a greater one occurs in four principal contexts:

- (1) to make immediately eligible for parole those prisoners not yet eligible under the terms of their sentences;
- (2) to make eligible for parole those who were excluded from eligibility for parole under their original sentences;
- (3) to end lengthy parole, when the individual appears able to live without further supervision; and
- (4) to avoid the death penalty, by the substitution of life imprisonment.

Commutation may be granted conditionally; it is usually said that any conditions may be imposed that are legal, moral, and possible to perform. If the conditions are valid, a noncompliance may lead to the revocation of the commutation.

The members of the Board of Pardons and Parole are responsible for recommending Executive Clemency to the Governor and consider commutation of a sentence and pardon *extraordinary* remedies. A recommendation for Executive Clemency will be made only when an applicant is able to clearly demonstrate that exceptional and compelling circumstances of equity and justice exist.

The applicant has the burden of demonstrating by clear and convincing evidence that:

- (1) based on evidence discovered subsequently to trial, the person's innocence is proven;
- (2) mitigating or extenuating circumstances not considered at trial attended the offender's or applicant's commission of the crime;
- (3) the offender or applicant is suffering from a terminal illness or a severe and chronic disability which would be mitigated by release from prison;
- (4) the offender or applicant has made exceptional strides in self-development and improvement;

- (5) further incarceration would constitute gross unfairness; or
- (6) the offender or applicant can satisfactorily prove extraordinary mitigating or extenuating circumstances exist.

In weighing the evidence of exceptional and compelling circumstances presented by the applicant, clemency officials will investigate:

- (1) The nature of the crime, the attitude of the judge and the prosecuting attorney, the attitude of the community toward the applicant, the attitude of the victim and victim's family, and a consideration of whether release would pose a threat to the public safety. The public safety determination overrides even the most substantial showing of exceptional or compelling circumstances.
- (2) Relevant institutional, social, psychological, and psychiatric records of the applicant.
- (3) All parties who have entered a plea of guilty or who have been found guilty by a jury are to be deemed guilty. However, the Board may initiate an investigation into a case where there is offered substantial evidence showing innocence or complete justification on the part of the person convicted.

#### **DECISION:**

When the Board determines that sufficient cause appears, a public hearing will be conducted. The Board will hear all pertinent facts and information of the petitioner, the petitioner's counsel and witnesses, as well as any opponents to the petition, with a recording made thereof. Upon conclusion of the hearing, the Board will take the entire case under advisement and will forward a decision of recommendation to the Governor for final determination. Should the Board vote to deny the application, it will not be forwarded to the Governor.

In capital cases, the Board will forward a decision of recommendation or denial to the Governor for final determination.

## **VICTIM SERVICES**

In July of 1997, the Board staff was instrumental in bringing a nationally renowned expert to Great Falls to speak about a program called "Promising Practices and Strategies for Victim Services in Corrections."

The Board determined that more attention should be directed toward crime victims in Montana. The Legislature also recognized this fact and changed the statute to mandate crime victim participation in offender sentencing and also required that the criminal justice system notify victims, if they so desired, of the offender's movement within the system.

Although the Board had always been well aware of the trauma and potential for a myriad of feelings by crime victims, the Board formally instituted the victim services program following the meeting in 1997. The Board's Executive Director, Craig Thomas, administers the current program and Senior Parole Board Analyst Julie Thomas is the Victim Services Coordinator,

#### **VICTIM NOTIFICATION:**

As described in 46-24-212, MCA, the Board must, when requested by a victim or victim's family, provide certain information about an offender. That includes the following:

- promptly inform the victim of the following information concerning a prisoner committing the offense: projected discharge and parole eligibility dates; actual date of the prisoner's release on parole, if reasonably ascertainable; time and place of a parole hearing concerning the prisoner and of the victim's right to submit a statement to the Board under 46-23-202, MCA; and the community in which the prisoner will reside after parole.
- promptly inform the victim of the occurrence of any of the following event concerning the prisoner: a decision of the Board of Pardons and Parole; a decision of the Governor to commute the sentence or to grant Executive Clemency; and a release from confinement and any conditions attached to the release

The Board informs the District Judge, county attorney, police department, sheriff's office, and local probation and parole office of an offender's scheduled appearance before the Board for parole consideration. The **victim(s) do have a responsibility to notify the Board** staff in writing that they would like to be kept informed of the offender's situation. This includes notifying the Board of any change in name, address, or telephone number. Once a victim or victim's family contacts the Board, the procedure that follows is implemented.

When a victim or witness requests notification of an offender's parole consideration, Board staff sends them an information packet that lists the offender's parole eligibility date, tentative hearing date, and the sentence expiration date. This letter informs the victim/witness of their rights under Montana law. The information also informs the victim/witness of their right to request that their input be kept confidential. The Board makes every effort to insure confidentiality within the State of Montana's open meeting law. The packet includes a Board of Pardons and Parole Victim Rights Information pamphlet, a Department of Corrections VINE pamphlet, and a Department of Corrections CON pamphlet. The information contained in these pamphlets further explains the parole process and the rights that victims/witnesses have in regard to an offender. (Examples of the victim notification letter and the pamphlets can be found in the Appendix).

### **VICTIM PARTICIPATION:**

If a victim/witness wants to present testimony to the Board members considering an offender's case, arrangements are made for their admittance into the correctional facility where the hearing will be held. Victims may be required, in accordance with Department of Corrections policy, to give their date of birth and social security number so that a background check can be completed. Any person with a criminal record or who is under the age of 18 may be restricted from the facility. Upon completion of the background check, the victim/witness is notified of the time scheduled for the offender's hearing. For offenders appearing at Montana State Prison in Deer Lodge, the victim/witness is directed to the Board's office for instructions on prison policies and procedure. Upon request, the Board's Victim Services Specialist accompanies them to the prison. The Victim Services Specialist is there to help the victim/witness understand the process and to answer any questions the victim/witness may have. When a disposition has been rendered in the offender's case, the Victim Services Specialist contacts the victim/witness with the hearing results and again answers any questions that may arise.

The Board has received many positive comments regarding their services provided to the

victims/witnesses. Following are examples of the positive feedback we have received:

*"I would like to thank you for your guidance, compassion, and kindness to my family during the parole hearing for (offender name withheld). I am sure you deal with many families in equally difficult situations. However, having you there to answer our questions and guide us through the process was a great help."*

*I though they were patient and kind. I like being on the TV (video conference), and not having to travel to the prison." 3/07*

*"I'm very glad the process allows for victims to have an opportunity to speak directly with those make the parole decisions. A stressful situation was made easier by the courteous and respectful way I was treated by prison staff, parole board members and staff." 2/07*

*"You gave me just the info I was looking for and we will rest better knowing that this guy isn't roaming around right now. You were the BEST when we came to his parole hearing two summers ago and I neglected to write you a thank you note ... so a belated thank you!"*

***"The Board provided Full opportunity for the victim's to air their Feelings" 6/08***

*"God bless you and your families. My daughter is looking down from heaven with a smile on her face. She did believe in God and I know she is beside him. Thank you so very much."*

In an effort to improve the services provided to victims, the Board of Pardons and Parole recently began soliciting feedback from victims about their experience with the parole process. A Victim Satisfaction Survey is randomly sent to victims who attend a parole hearing to provide input regarding parole consideration for their offender. (See Appendix for an example of the Victim Satisfaction Survey). We hope to use any comments or suggestions provided by victims to enhance the services we currently provide and possibly implement new services as necessary.

#### **OTHER VICTIM-RELATED EFFORTS AND POINTS OF INTEREST:**

In addition to the services our office provides directly to victims of offenders being considered for parole, we also participate on the Department of Corrections Victim Advisory Council and collaborate on a continual basis with other corrections victim services personnel to provide a broad network of services, resources, and information to victims. Members of our Victim Services staff attend the biennial Crime Victim Fair to provide information about the parole process to victims, victim advocates, other corrections professionals, and the general public. The Victim Services Specialist regularly travels to various agencies and events, including the yearly Victim Advocate course at the Montana Law Enforcement Academy, to provide training on the parole process and the victim's invaluable role within that process.

## **AMERICAN CORRECTIONAL ASSOCIATION (ACA) ACCREDITATION**

The 1999 Legislature authorized funding for the Board of Pardons and Parole to pursue ACA accreditation. Benefits of accreditation include:

- safeguarding the life, health, and safety of the staff and offenders;
- aiding in the defense of potential lawsuits;
- providing a systematic evaluation of all areas of agency administration and operation;
- improving management through the creation or refinement of written policies and procedures for all areas of agency operation;
- providing management and line staff the opportunity to work together to assess needs and develop solutions; and
- giving recognition for achievement, improving staff morale, and demonstrating accountability to the public.

The Board was accredited in 2001, reaccredited in 2004 and found to be 98% compliant after the 2007 reaccreditation audit. The Montana, New York, Arkansas, and Ohio Boards are the only accredited paroling authorities.

## **OFFENDER INFORMATION DATABASE**

As part of our ongoing efforts to streamline the Board's operations, over the past several years Board staff created and implemented a computerized offender data information system. This new system was created to replace a rolodex card system used to record offender data pertinent to the Board's needs. The new system is currently being used to record offender information including the offender's name, number, date of birth, status in the system, parole eligibility and discharge dates, sentencing information, Board dispositions, victim information, and miscellaneous notes about the offender. The program is also used to generate the monthly Board lists and hearing results reports. Additionally, this program can be used to produce various reports based on the data available in the database. (Table 3 – Dispositions by Ethnicity is an example of a report generated from the database). Funding has been requested for an additional upgrade to the Board's information technology capabilities.

The initial phase will include a pilot project includes scanning appropriate documents for the Board members that will be accessible within an interface that will display the critical information for an inmate.

Phase 2 will include a detailed workflow analysis, further application development, scanning, protocol setup for library maintenance and end user training. Phase 3 will include design and development for all forms of access levels, final arrangements for maintenance and service, full deployment across enterprise and training



## RISK ASSESSMENT OVERVIEW

The Montana Board of Pardons and Parole had been interested in developing a risk assessment tool to assist the Board members following a 1991 National Institution of Corrections- (NIC) funded site visit and short-term technical assistance project. The consultant's assessment of the parole process in Montana suggested consideration of a structured parole decision-making process. This type of decision-making includes a risk assessment tool. A second NIC-funded project was completed in 1996. Each consultant's report indicated an assessment tool would benefit the citizen Board members. Continuing dialogue with the ever-changing Board members resulted in a request for the formulation of a Risk/Needs scale. The Board of Pardons and Parole applied for funding through the Byrne Memorial Anti-Drug Funds of the U.S. Department of Justice. The application was approved and the process of developing a validated assessment tool began in 1998.

In September 1998, Peggy Burke of the Center for Effective Public Policy, the Board members, and Board staff met in Montana to plan and implement the project. The consensus of the Board members was to continue with the process and develop an assessment tool to use as one part of the decision-making process.

The first phase of the project began on July 1, 1999. The information the Board feels is critical when considering an offender for parole and details of offenders who were released on parole or discharged from prison were recorded by Board staff and submitted to the consultant for analysis. Also recorded and analyzed was an assessment of the parolee or discharged person's progress at the end of one year. This phase of the project concluded on June 30, 2000. In July 2001, the outcome date was completed and an assessment tool was developed for testing.

The Montana Board of Pardons and Parole began assessing inmate risk, according to the assessment tool on January 1, 2002. All inmates for whom the tool is established and appear before the Board are assessed and given a numeric score, according to the risk tool. (See Appendix for an example of the risk assessment tool). It should be noted that the tool is not used for any sexual offenders, DUI offenders or women. All sex offenders are given a tier level, thus the risk assessment would be redundant. It was determined that DUI offenders are much harder to develop a scale for because of their background and the fact that many of them do not have a criminal lifestyle. At the time of the development of the tool, the State of Montana did not have sufficient women offenders to track and therefore it does not apply to them. It may be a consideration for future Board action.

The Montana Board remains committed to assessing inmate risk prior to making release decisions. The risk assessment tool remains one part of the Board's consideration. (See appendix)



# STATE OF MONTANA - BOARD OF PARDONS AND PAROLE CASE DISPOSITION

TO: \_\_\_\_\_ DOC ID: \_\_\_\_\_

This is to notify you of the Montana State Board of Pardons and Parole decision in your parole consideration, in accordance with Sections 46-23-201 - 46-23-218, and 46-23-1021 - 46-23-1031, MCA.

You will be granted parole subject to the standard parole conditions\* with the following changes and/or added special conditions:

\*Standard Parole Conditions (paraphrased): Shall not change place of residence without PO's approval; shall not leave assigned district without PO's written permission; shall maintain employment or a program approved by BOPP or PO, must inform employer of parole status, and must obtain PO's permission prior to any change of employment; shall report to PO as scheduled; shall not own, possess, or be in control of any firearms or deadly weapons, including black powder as defined by law; shall not possess any chemical agents such as O.C. spray; shall obtain PO's permission before making any financial transactions; shall submit to search by PO at any time without a warrant; shall comply with all laws and ordinances, conduct yourself as a good citizen, and report any arrests or contacts with law enforcement to your PO; shall not possess or use illegal drugs or drug paraphernalia and shall not possess or use any drugs unless prescribed by a licensed physician; pay supervision fees.

- ☐ Parole when the Board determines you have successfully completed \_\_\_\_\_
- ☐ Parole to ISP – comply with all rules and conditions of the program
- ☐ Regular Chemical Dependency Counseling
- ☐ Regular Mental Health Counseling
- ☐ Regular Sex Offender Counseling
- ☐ Regular/Random breath and/or body fluid testing for intoxicants/illegal drugs
- ☐ You shall not possess or use intoxicants, nor will you enter any place where intoxicants are the chief item of sale
- ☐ You shall not drink intoxicants
- ☐ Restricted from maintaining a checking or credit card account
- ☐ Comply with court ordered conditions
- ☐ Restricted from gambling or entering any place where gambling takes place
- ☐ Other: \_\_\_\_\_

I have been advised and fully understand that I am subject to "official detention" until a parole certificate is issued authorizing my release from confinement and I sign the "Conditions of Parole" document. Any misconduct on my part prior to release, substantial changes in parole plan, and/or new information and evidence received that was not available at the time of my parole hearing may result in the rescission of my parole.

Acknowledgment \_\_\_\_\_

The Board members will render a final disposition on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at Deer Lodge, Montana.

Hearings Officer \_\_\_\_\_ Date: \_\_\_\_\_

BOPP (white)  
INMATE (yellow)

Board Member \_\_\_\_\_

Board Member \_\_\_\_\_

# STATE OF MONTANA - BOARD OF PARDONS AND PAROLE CASE DISPOSITION

☐ Initial

☐ Reappearance

☐ Review

TO: \_\_\_\_\_ DOC ID: \_\_\_\_\_

After careful evaluation of all relevant facts known to the Board, including those under §46-23-202(1), MCA, and in accordance with §46-23-201 through §46-23-218, MCA, the Board denies your parole application or reapplication at this time.

Reappearance Date: \_\_\_\_\_ Progress Review Date: \_\_\_\_\_ ☐ Pass to Discharge

A. In the opinion of the Board, there is reasonable probability that you are not at present able and willing to fulfill the obligations of a law-abiding citizen. Our conclusions are based on the following:

#### NEED FOR IMPROVED:

☐ Institutional conduct

☐ Housing unit evaluation

☐ Work evaluations

☐ Institutional custody level

☐ Parole plan

☐ Attitude - no interest in parole

Remarks/Other: \_\_\_\_\_

B. In the opinion of the Board, there is reasonable probability that you cannot be released at this time without being a detriment to yourself or the community. Release at this time would not be in the best interest of society.

#### OUR CONCLUSIONS ARE BASED ON THE FOLLOWING:

☐ Nature or severity of offense(s)

☐ Multiple offenses

☐ Previous criminal history

☐ Poor history under parole/probation supervision

☐ Pattern of similar offenses

☐ Repeat sex offenses

☐ Previous escape(s) from custody

☐ Strong objection from criminal justice authorities and/or citizenry

Remarks/Other: \_\_\_\_\_

C. In the opinion of the Board, there is a need for education, job training, treatment, or continued treatment to enhance success on parole and further insure that the applicant is willing and able to fulfill the obligations of a law-abiding citizen.

#### THE FOLLOWING ARE INDICATED NEEDS:

☐ G.E.D.

☐ Chemical dependency counseling

☐ \_\_\_\_\_

☐ Sex offender treatment

☐ Mental health treatment

☐ \_\_\_\_\_

☐ Anger management

☐ Pre-release program

Remarks/Other: \_\_\_\_\_

Hearings Officer: \_\_\_\_\_ Date: \_\_\_\_\_

**I have been advised that the Board of Pardons and Parole will render a final disposition in my case on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Deer Lodge, Montana.**

Acknowledgment: \_\_\_\_\_

BOPP (white)  
INMATE (yellow)  
RECORDS (pink)  
IPPOs (gold)

Board Member: \_\_\_\_\_

Board Member: \_\_\_\_\_

Date: \_\_\_\_\_



STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
COMMUNITY CORRECTIONS DIVISION  
PROBATION AND PAROLE BUREAU

**CONDITIONS OF PROBATION AND PAROLE**

Offender's  
Initials

**Your probation/parole is granted subject to the following conditions, limitations, and restrictions.**

1. **RESIDENCE:** I will not change my place of residence without first obtaining permission from my Probation/Parole Officer. My residence must be approved by my Probation/Parole Officer. I will make my home open and available for the Probation/Parole Officer to visit as required per policy. I will not own dangerous/vicious animals such as guard dogs, use perimeter security doors, or refuse to open the door to my residence when requested.
2. **TRAVEL:** I will not leave my assigned district without first obtaining written permission from my Probation/Parole Officer. My assigned district is: \_\_\_\_\_ counties.
3. **EMPLOYMENT AND/OR PROGRAM:** I will seek and maintain employment or a program approved by the BOPP or my Probation/Parole Officer. I must obtain permission from my Probation/Parole Officer prior to any change of employment. I will inform my employer of my status on probation or parole.
4. **REPORTING:** I will personally report to my Probation/Parole Officer as directed. I will submit written monthly reports on forms provided. I will make myself available to my Probation/Parole Officer as requested.
5. **WEAPONS:** I will not own, possess, or be in control of any firearms or deadly weapons, including black powder, as defined by state or federal law. I will not possess chemical agents such as O.C. spray.
6. **FINANCIAL:** I will obtain permission from my Probation/Parole Officer before financing or purchasing a vehicle, property, or engaging in business. I will not go into debt without my Probation/Parole Officer's permission. **Victim restitution, child support, fines and fees will be my priority financial obligations.**
7. **SEARCH OF PERSON OR PROPERTY:** Upon reasonable suspicion, as ascertained by the Probation & Parole Officer, my person, vehicle, and/or residence may be searched at any time, day or night, without a warrant by a Probation/Parole Officer, ISP Officer or a Law Enforcement Officer (at the direction of the Probation/Parole/ISP Officer). I may also be searched at my place of employment. Any illegal property or contraband will be seized and may be destroyed.
8. **LAWS & CONDUCT:** I shall comply with all city, county, state, federal laws, ordinances, and conduct myself as a good citizen. I shall report any arrests or contacts with law enforcement to my Probation/Parole Officer within 72 hours. I will at all times be cooperative and truthful in all my communications and dealings with my Probation/Parole Officer.
9. **ILLEGAL DRUG USE:** I will not possess or use illegal drugs or any drugs unless prescribed by a licensed physician. I will not be in control of or under the influence of illegal drugs, nor will I have in my possession any drug paraphernalia.
10. **SUPERVISION FEES:** I will pay supervision fees as per 46-23-1031, M.C.A. If convicted of a drug offense and placed on ISP in lieu of imprisonment, I may be ordered to pay not less than \$50 per month per 45-9-202 (2) (d) (ii), M.C.A.

**The following indicated SPECIAL CONDITIONS have been ordered by the Board of Pardons & Parole or the Sentencing Court**

1. ☐ **NO ALCOHOL/NO BARS:** I will not possess or consume intoxicants/alcohol, nor will I enter any place intoxicants are the chief item of sale. I will submit to breathalyzer testing or bodily fluid testing as requested by my Probation & Parole Officer.
2. ☐ **DRUG TESTING:** I will submit to alcohol and/or drug testing on a random or regular basis as required by my Probation & Parole Officer.
3. ☐ **VICTIM RESTITUTION:** I will pay court ordered restitution back to the victim in the amount of \$\_\_\_\_\_ in a timely fashion. Payments to be made as determined by the Court and/or the Probation & Parole Officer.
4. ☐ **FINES/FEES:** I will pay all fines and fees as ordered by the court in the amount of \$\_\_\_\_\_ in monthly payments of \$\_\_\_\_\_.
5. ☐ **COUNSELING/TREATMENT/PROGRAMMING:** I will enter, participate on a regular basis and complete:  
☐ Chemical Dependency Counseling ☐ Sexual Offender Counseling ☐ Mental Health Counseling  
☐ Other Programming as ordered by the Court/BOPP and determined appropriate by the Probation/Parole Officer
6. ☐ **SEXUAL/VIOLENT OFFENDER (Registration/Notification):** I will register per state law and give appropriate notice of any address change. If I am a Sex Offender and depending on my Level of Risk Designation, there will be appropriate address notification to the community. If I have not already done so, I will submit to DNA testing.
7. ☐ **CURFEW:** I will abide by a curfew as determined necessary and appropriate by my Probation & Parole Officer.
8. ☐ **COMMUNITY SERVICE:** I will complete \_\_\_\_\_ hours of community service as ordered by the Court or my Probation/Parole Officer.
9. ☐ **NO CASINOS/NO GAMBLING:** I will not enter any casinos or play any games of chance.
10. ☐ **ASSOCIATION:** I will not associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from my Probation/Parole Officer. I will not associate with persons as ordered by the court or BOPP.
11. ☐ **SPECIAL FINANCIAL:** I will not establish a checking or credit account.
12. ☐ **DNA TESTING:** I will submit to DNA testing as required by law.
- ☐ **ADDITIONAL CONDITIONS** (See attached)

**AGREEMENT AND NOTIFICATION OF JAIL SANCTIONS**

I have read, or had read to me the foregoing rules and conditions and I will abide by them. Failure to do so may result in revocation. I further understand that failure to do so may result in immediate jail sanctions of up to 30 days at my own expense or revocation of my probation or parole as per 46-23-1012, M.C.A.

**WAIVER OF EXTRADITION**

I do hereby waive extradition to the State of Montana from any State in the Union, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or to the State of Montana. I understand that this Probation/Parole is granted to and accepted by me, subject to the conditions, limitations, and restrictions stated herein, and with the knowledge that the Board of Pardons, Sentencing Court, or the Department of Corrections has the power, at any time, in case of violation of the conditions, limitations, and restrictions of Probation or Parole to cause my detention and/or return to prison.

PROBATION/PAROLE OFFICER \_\_\_\_\_

(Type/Print Officer Name)

PROBATIONER/PAROLEE \_\_\_\_\_

(Type/Print Offender Name)

DATE \_\_\_\_\_

DOC IDENTIFICATION NUMBER \_\_\_\_\_



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE BUREAU**

**CONDITIONS OF INTENSIVE SUPERVISION PROGRAM**

☐ **PROBATIONER**   ☐ **PAROLEE**

Offender's  
Initials

**Your Intensive Supervision Program is granted subject to the following conditions, limitations, and restrictions.**

1. **RESIDENCE/SCHEDULE**: I will not change my residence or stipulated schedule without prior approval from an ISP Officer. I will make my home open and available for an ISP Officer to visit as required per my ISP conditions. I will not own dangerous/vicious animals such as guard dogs, use perimeter security doors, or refuse to open the door to my residence when requested.
2. **TRAVEL**: I will not leave my assigned county of residence without first obtaining written permission from an ISP Officer.
3. **EMPLOYMENT AND/OR PROGRAM**: I will seek and maintain employment or a program approved by an ISP Officer. I must obtain permission from my ISP Officer prior to any change of employment. I will inform my employer of my ISP status.
4. **REPORTING**: I will personally report to an ISP Officer as directed. I will submit written monthly reports on forms provided.
5. **WEAPONS/CHEMICAL AGENTS**: I will not own, possess, or be in control of any firearms, ammunition or deadly weapons, including black powder, as defined by state or federal law. I will not possess chemical agents such as O.C. spray.
6. **FINANCIAL**: I will obtain permission from an ISP Officer before financing or purchasing a vehicle, property, or engaging in business. I will not go into debt or establish a checking or credit account without an ISP Officer's permission. **Victim restitution, child support, fines and fees will be my priority financial obligations.**
7. **SEARCH OF PERSON OR PROPERTY**: Upon reasonable suspicion, as ascertained by an ISP Officer, my person, vehicle, and/or residence may be searched at any time, day or night, without a warrant by an ISP Officer or a Law Enforcement Officer (at the direction of an ISP Officer). I may also be searched at my place of employment. Any illegal property or contraband will be seized and may be destroyed.
8. **LAWS & CONDUCT**: I shall comply with all city, county, state, federal laws, ordinances, and conduct myself as a good citizen. I shall immediately report any arrests or contacts with law enforcement to an ISP Officer. I will at all times be cooperative and truthful in all my communications and dealings with ISP Officers.
9. **DRUG TESTING**: I will submit to alcohol and/or drug testing on a random or regular basis.
10. **ALCOHOL/DRUGS**: I will not possess or use alcohol, illegal drugs or any drugs unless prescribed by a licensed physician. I will not possess drug paraphernalia.
11. **BARs**: I will not enter establishments where intoxicants are a chief item of sale.
12. **GAMBLING/CASINOS**: I will not engage in gambling or games of chance or enter establishments or venues that offer gambling or games of chance.
13. **COMMUNITY SERVICE**: I will complete hours of community service as ordered by the Court or as stipulated in my ISP Contract.
14. **EQUIPMENT**: I will be required to wear, maintain and care for electronic monitoring equipment as a condition of ISP. I understand opening, damaging, losing, stealing or in any way rendering the equipment inoperative may result in criminal prosecution and/or violation of my ISP. I will not possess equipment that monitors law enforcement or Department of Corrections radio frequencies or activities.
15. **SUPERVISION FEES**: I will pay supervision fees as per state statute 46-23-1031, M.C.A. If convicted of a drug offense and placed on ISP in lieu of imprisonment, I may be ordered to pay not less than \$50 per month per 45-9-202 (2) (d) (ii), M.C.A.

**SPECIAL CONDITIONS**

1. ☐ **VICTIM RESTITUTION**: I will pay court ordered victim restitution in the amount of \$\_\_\_\_\_ in a timely fashion. Payments to be made as determined by the Court and/or the ISP Officer.
2. ☐ **FINES/FEES**: I will pay all fines and fees as ordered by the court in the amount of \$\_\_\_\_\_ in monthly payments of \$\_\_\_\_\_.
3. ☐ **COUNSELING/TREATMENT/PROGRAMMING**: I will enter, participate on a regular basis and complete:  
☐ Chemical Dependency Counseling   ☐ Sexual Offender Counseling   ☐ Mental Health Counseling  
☐ Other Programming as ordered by the Court and determined appropriate by an ISP Officer.
4. ☐ **SEXUAL/VIOLENT OFFENDER (Registration/Notification)**: I will register per state law and give appropriate notice of any address change. If I am a Sex Offender and depending on my Level of Risk Designation, there will be appropriate address notification to the community.
5. ☐ **DNA TESTING**: I will submit to DNA testing as required by law.  
☐ **OTHER CONDITIONS**: See supplemental form.

**AGREEMENT AND NOTIFICATION OF SANCTIONS**

I have read, or had read to me the foregoing rules and conditions and I will abide by them. I understand that ISP is granted to and accepted by me, subject to the conditions, limitations, and restrictions stated herein, and with the knowledge that the Sentencing Court, BOPP or the Department of Corrections has the power, at any time, in case of violation of the conditions, limitations, and restrictions of ISP, to cause my detention and/or a disciplinary hearing or prosecution and sanctions including, but not limited to, revocation of my Probation or Parole.

Unless otherwise determined by the Sentencing Court, BOPP and/or the Department of Corrections, I understand I am responsible for all medical and treatment program costs.

**WAIVER OF EXTRADITION**

I do hereby waive extradition to the State of Montana from any State in the Union, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or to the State of Montana.

ISP Officer Signature \_\_\_\_\_  
(Type/Print ISP Officer Name)

ISP Probationer/Parolee Signature \_\_\_\_\_  
(Type/Print Offender Name)

Date \_\_\_\_\_

DOC Identification Number \_\_\_\_\_

# STATE OF MONTANA BOARD OF PARDONS AND PAROLE

1002 Hollenbeck Road – Deer Lodge, Montana 59722  
Phone (406) 846-1404 Fax (406) 846-3512

TO: Judge: \_\_\_\_\_  
Sheriff: \_\_\_\_\_  
County Attorney: \_\_\_\_\_

DATE: \_\_\_\_\_

FROM: Craig Thomas, Executive Director

Please be advised that \_\_\_\_\_, received on \_\_\_\_\_, and convicted of \_\_\_\_\_, will appear for parole consideration \_\_\_\_\_, in accordance with 46-23-201, MCA, and may be released on \_\_\_\_\_ if approved by the Board. This offender's projected sentence completion date is \_\_\_\_\_. Parole release notification will be made if a request is sent to the Montana State Prison Records Department and/or the Board of Pardons and Parole. Victims are permitted to present a statement to the Board regarding the effects of the crime, circumstances surrounding the crimes, the manner in which the crime was perpetrated, and an opinion whether the offender should be paroled. Exact hearing date, location, and approximate time can be obtained by contacting the Board's office. In accordance with section 46-23-202 MCA, and the Board of Pardons and Parole Administrative Rules 20.25.401, the Board has the power to regulate procedure at all hearings. **All persons of legal age wishing to appear before the Board must contact the Board at least ten (10) working days prior to the hearings for approval. No person shall be admitted to Parole Board hearings without prior approval of the Board.**

## COMMENTS:

If you have any requests or information relating to this individual's parole consideration, please comment on this form and return to the Board of Pardons and Parole as soon as possible; or you may submit your comments via e-mail to [jthomas@mt.gov](mailto:jthomas@mt.gov).

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Name: \_\_\_\_\_ Title: \_\_\_\_\_  
(Print)

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
(City, State, Zip)

CC: Chief of Police  
Parole Office  
Victim (if applicable)

## VICTIM NOTIFICATION

**DATE:**

**TO:**

**REGARDING INMATE:** \_\_\_\_\_

**DOC ID:** \_\_\_\_\_

This notice is to acknowledge receipt of your request for notification and to advise you of parole eligibility, hearings before the Board of Pardons and Parole, and/or other release or clemency actions regarding the above-referenced offender. At your request, information you provide will be kept confidential. You may request to appear before the Board and present testimony regarding the offender's release consideration or you may file written objections and/or recommendations. If you choose to appear in person, you must provide our office with your date of birth and social security number at least 10 working days prior to the hearing date.

1. Inmate's parole eligibility date: \_\_\_\_\_
2. A tentative parole hearing is scheduled for: \_\_\_\_\_
3. Inmate's current discharge date: \_\_\_\_\_
4. For your convenience, you may call VINE (Victim Information and Notification Everyday) at 1-800-456-3076 to receive automated information on an inmate.

**Please keep our office informed of any address or phone number changes.**

Additional Information: N/A

If you any questions or need further information, please call:

Julie Thomas  
Victim Services Specialist  
Board of Pardons and Parole  
(406) 846-1404  
(406) 846-3512 - fax



**MONTANA BOARD OF PARDONS AND PAROLE**  
**VICTIM/WITNESS STATEMENT**

Victim/Witness Name: \_\_\_\_\_  
(Please Print)

Date: \_\_\_\_\_

Full Address: \_\_\_\_\_  
(Street/P.O. Box, City, State, and Zip)

Offender Name: \_\_\_\_\_

DOC ID: \_\_\_\_\_

The above-referenced offender has been scheduled for parole consideration. As a registered victim/witness for this offender, you have a right, if you choose, to provide input in the parole process. We have provided the following outline to assist you in that effort. Please do not feel obligated to use this outline or answer any questions you can't or don't wish to. Feel free to use additional paper for any of your answers. Any information you provide will be kept confidential\*. If you choose to appear in person at the parole hearing, you must contact our office by phone at least 10 working days prior to the hearing. Please keep in mind that while your input is invaluable in the parole process, it is for informational purposes only. The Board Members are not bound by any information or suggestions you provide and will base their decision on many factors, including your input.

1. To help the Board understand the purpose of your statement, briefly describe your background/history, if any, with this offender.

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2. As part of their decision, the Board will consider the official version of the crime as listed in court documents. If you are a victim or witness in the crime for which this offender was convicted, what details would you like to add regarding the events surrounding the offense(s)? If you were not a victim/witness in this particular crime but have registered for notification due to other reasons, explain how your life or that of your family has been affected by this offender.

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3. The purpose of this hearing is for the Board to determine, after considering all relevant information, whether parole is appropriate for this offender. What concerns would you have regarding possible parole release for this offender?

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4. What recommendations, based on your history with this offender, if any, would you like the Board to consider when making their decision?

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5. When the Board grants parole to an offender, they impose various conditions or restrictions on that parole. What restrictions would you request the Board consider placing on this offender if he/she is granted parole? Please give a brief explanation to justify the restriction(s).

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6. What other comments or information not addressed above would you like the Board to consider?

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Signature

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Date

You may contact our office at 406-846-1404 following the hearing to obtain the results or at any time for any questions you may have about the process. You can also access that information on our website at [www.mt.gov/bopp](http://www.mt.gov/bopp). The hearing results are usually posted on the website within 10 days of the hearing.

Please return this form to: Board of Pardons and Parole  
1002 Hollenbeck Road  
Deer Lodge, MT 59722

**Important Note on Confidentiality:** In 1998, the Montana Supreme Court ruled that offender records held by the Board could be subject to public inspection. It is the practice of the Board to keep information about or submitted by victims confidential for the victim's personal safety. However, we share our files with Probation and Parole and can only guarantee that any file materials remain confidential while the file is in our office.





*Commission On Accreditation For Corrections  
and the  
American Correctional Association  
awards*



# ACCREDITATION

to

*Montana Board of Pardons and Parole  
Deer Lodge, Montana*

2007-2010

*in recognition of the attainment of excellence in the operation of  
an Adult Probation and Parole Authority*

*presented this 22nd day of January 2007*

*Robert J. Garvey*  
COMMISSION CHAIRMAN

*W. L. Stowers*  
DIRECTOR, STANDARDS AND ACCREDITATION

*Gary D. Maynard*  
ACA PRESIDENT

*James A. Bondy*  
ACA EXECUTIVE DIRECTOR



**MONTANA BOARD OF PARDONS AND PAROLE  
RISK ASSESSMENT SCALE**

Offender Name \_\_\_\_\_ DOC ID \_\_\_\_\_

Regular work assignment while in prison

No 5  
Yes 0

Serious drug or alcohol problem

Both 5  
Either alcohol or drug problem 3  
None 0

Age at first arrest

Up thru age 18 6  
19 – 24 3  
25 and older 0

Any arrest for burglary, robbery, theft, auto theft, or forgery

Yes 5  
No 0

Prior felony convictions

Yes 3  
No 0

TOTAL RISK SCORE \_\_\_\_\_  
RISK LEVEL \_\_\_\_\_

High school graduate or some college

No 2  
Yes 0

Prior community supervision

Yes 1  
No 0

**RISK SCORES AND LEVELS**

Risk Score	Risk Level	Percent Meeting Board Standard	Percent Not Meeting Board Standard	Percent of Total
1 – 15	Low	68	32	37
16 – 20	Med	56	44	35
21 – 27	High	39	61	28

Board standard for inmate performance following release on parole requires no arrests for either a felony or a misdemeanor, and no return to prison for a technical violation of parole during the 12 months following release.

**Note:** This risk assessment is an information tool used by the Montana Board of Pardons and Parole. It does not limit the discretion of the Board in any way.

Table 1

## STATE OF MONTANA - BOARD OF PARDONS AND PAROLE EXECUTIVE CLEMENCY REPORT

Name	Crime	Date, County, and Sentence	Executive Order Signed	Board Member Objections	Reason
Jenkins, David	Domestic abuse (m)	9-15-1994; Gallatin; \$150.00 fine; \$10.00 court costs; \$15.00 (m) charge; 25 hours; family counseling; 6 months jail ss.	Pending	None	
Gomez, Christopher	Partner/family member assault	3-18-1993; Yellowstone; \$340.00 fine, 1 day jail	Pending	None	
Harris, Paul	Burglary	3-4-52; Chouteau; 5 years	5-1-2008, Schweitzer, Pardon	None	Exemplary adjustment.
Van Engen, Jonathan	Malicious destruction of property	2-27-73; Fergus; 1 year deferred plus restitution	Pending	None	
Sanz, Renee	Theft	6-2-95; Yellowstone; \$190.00 fine, jail time, 6 months ss on condition of no criminal convictions for 6 months @ \$25.00 per day w/IP court	10-1-2007, Schweitzer, Pardon	None	No opposition; received a Bachelor of Science Degree in Business Administration. Exemplary adjustment.
Baron, Adam	CPODD	8-2-92; Toole; \$500.00 fine	11-1-2006; Schweitzer, Pardon	None	Limited criminal history, minor nature of offense; exemplary performance
Richard DeFoe	Theft (m)	4-26-96, Flathead, \$520.00 fine and 30 days jail, all but 7 days suspended.	11-3-2006, Schweitzer, Pardon	None	Based on the nature of the offense, limited criminal record, and his employment history. Exemplary adjustment.
Vernon Finley	Aggravated assault, 2 cts.	7-20-97, Lake, 10 years suspended, each count concurrent	8-2-05, Schweitzer, Pardon	None	The current conviction is prohibiting him from running for a position on the Salish-Kootenai Tribal Counsel. He has completed various post-secondary degrees and is involved in a very stable relationship w/his wife. He does take full responsibility for his actions and is remorseful. Exemplary adjustment.
Stephen Jeffrey	Domestic Abuse (m)	11-3-91, Cascade, \$315.00 fine, 6 months jail, all but 2 suspended and counseling	8-2-05, Schweitzer, Pardon	None	He is in the military and the current conviction is limiting his possibilities in that area and he additionally wants to return to firearms instruction and hunter safety instruction.
Beverly Hill	Theft	9-14-87, Lewis and Clark, 40 years, all but 6 months suspended, 10 days jail time for next 9 yrs, modified to 1650 hrs of community service	6-9-2006, Schweitzer, no action	None	Board recommends that she be granted a commutation but not a pardon. The Board feels that a record of this offense should remain on her record to remind her and the community of her prior inappropriate behavior.



Table 2

# STATE OF MONTANA BOARD OF PARDONS AND PAROLE

## STATISTICAL DATA FISCAL YEAR 2008

MO	NO. CASE	W	INTV FOR PARL	INTV GRNT PARL	* TOTAL PARLD	1ST OFFNS	** PAROLE VIOLATORS		RSC	ANNUAL REVIEW		RLS ON PARL	PARL COMP
							TV	NC		CNG	NC		
Jul	177	61	88	49	66	33	19	2	6	24	4	48	5
Aug	182	74	82	53	67	27	9	3	8	30	12	65	2
Sep	177	58	90	57	65	31	11	0	6	17	3	53	6
Oct	180	68	81	42	55	24	15	1	9	29	8	53	10
Nov	191	72	86	56	77	24	13	0	8	32	8	57	10
Dec	173	81	77	50	61	30	16	1	6	26	12	39	12
Jan	181	68	83	49	59	26	18	1	9	18	10	54	6
Feb	188	71	81	43	60	26	17	1	8	28	6	58	12
Mar	180	59	98	62	68	29	10	1	7	19	6	50	12
Apr	203	58	88	46	58	19	26	2	10	23	9	44	9
May	182	82	82	40	52	18	13	2	10	17	8	42	11
June	204	68	107	58	71	25	21	1	4	21	6	41	13
<b>07-08</b>	<b>2218</b>	<b>820</b>	<b>1043</b>	<b>605</b>	<b>759</b>	<b>312</b>	<b>188</b>	<b>15</b>	<b>91</b>	<b>284</b>	<b>92</b>	<b>604</b>	<b>108</b>

\* Reflects the total number of inmates granted parole, including annual reviews, revocations, discussion cases, administrative decisions and change of disposition.

\*\* Does not include parole violators who are reinstated. Includes parole violators not returned to MSP.

**NO CASE**=Total number of cases **W**=Waived appearance **INTV**=Interviewed by the Board  
**PARL**=Parole **GRNT**=Granted **PARLD**=Paroled **OFFNS**=Offense **TV**=Technical violations  
**NC**=New felony conviction **RSC**=Rescission  
**CNG**= Change in annual review status **NC**=No change in annual review status  
**RLS**=Release **PARL**=Parole **PARL COMP**=All parole completions, including transfers to probation status

Table 2

MO	INTERVIEWED				PAROLED				TIME	TIME	PARL	DFS	PARD		COMM	
	A	D	S	V	A	D	S	V	PARL	INIT	INIT		Y	N	Y	N
<b>Jul</b>	66	63	11	52	46	49	3	25	47.6	34.3	30	0	0	0	0	1
<b>Aug</b>	72	58	7	49	56	50	3	32	30.2	28.6	35	0	0	2	0	2
<b>Sep</b>	63	61	16	48	45	43	6	28	34.2	36.1	30	0	0	2	0	2
<b>Oct</b>	63	61	8	41	39	38	3	21	35.8	24.5	19	0	0	3	0	0
<b>Nov</b>	72	59	9	55	63	57	3	38	55.9	27	25	0	0	0	0	0
<b>Dec</b>	59	63	7	35	46	50	1	22	31.1	26.2	40	0	0	0	0	0
<b>Jan</b>	67	67	10	49	45	43	3	27	41.2	26.4	31	0	0	0	0	0
<b>Feb</b>	62	57	8	43	45	43	3	22	44.3	26.8	24	0	3	3	0	1
<b>Mar</b>	79	66	18	59	57	47	6	29	42.5	27	40	0	1	0	0	1
<b>Apr</b>	72	65	8	54	45	40	4	26	50.9	27	23	0	0	1	0	2
<b>May</b>	65	63	7	39	33	36	2	15	39.8	23.1	24	1	0	3	0	1
<b>June</b>	89	92	10	59	51	63	4	25	41.4	30.4	29	0	2	3	0	0
<b>07-08</b>	155	775	119	583	571	559	41	310	41.2	28.1	350	1	6	17	0	10

**A**=Alcohol Problem **D**=Drug Problem **S**=Sex Offense **V**=Violent Offense

**TIME**=Months Served **PARL**=Paroled

**INIT**=First Board Appearance **DFS**=Discharge From Supervision **PARD**=Pardon **Y**=Granted

**N**= Denied **COMM**=Commutation

Submitted,

BOARD OF PARDONS AND PAROLE

Vance Curtiss, Chairman

Craig Thomas, Executive Director

Jeff A. Walter

Sr. Parole Board Analyst

Brian Callarman

Parole Board Analyst

Julie Thomas

Parole Board Analyst

Fern Osler

Parole Board Analyst

John Cameron

Parole Board Analyst

CC: Board Staff, Board Members, Warden, C&T, and DOC Statistics

## Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: **Appearance/Reappearance**

# DOC ID	Offender Name	Crime	Parole Eligibility Date
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**Race Unlisted**

Total Females:	3	Total Females Approved:	1	Total Females Denied:	0	Total Females Waived or Cont.:	2
Total Males:	18	Total Males Approved:	1	Total Males Denied:	7	Total Male Waived or Cont.:	10
Total Dispositions:	53	Total Approved:	5	Total Denied:	12	Total Waived or Cont.:	36
Approved Percentile: 29.4%				Denied Percentile: 70.6%			

**AmerAsian**

Total Females:	2	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	2
Total Males:	2	Total Males Approved:	2	Total Males Denied:	0	Total Male Waived or Cont.:	0
Total Dispositions:	4	Total Approved:	2	Total Denied:	0	Total Waived or Cont.:	2
Approved Percentile: 100.0%				Denied Percentile: 0.0%			

**Asian/Oriental**

Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	4	Total Males Approved:	1	Total Males Denied:	3	Total Male Waived or Cont.:	0
Total Dispositions:	4	Total Approved:	1	Total Denied:	3	Total Waived or Cont.:	0
Approved Percentile: 25.0%				Denied Percentile: 75.0%			

**Black/African American**

Total Females:	6	Total Females Approved:	0	Total Females Denied:	1	Total Females Waived or Cont.:	5
Total Males:	101	Total Males Approved:	24	Total Males Denied:	25	Total Male Waived or Cont.:	52
Total Dispositions:	107	Total Approved:	24	Total Denied:	26	Total Waived or Cont.:	57
Approved Percentile: 48.0%				Denied Percentile: 52.0%			

**Black/Native American**

Total Females:	2	Total Females Approved:	0	Total Females Denied:	2	Total Females Waived or Cont.:	0
Total Males:	3	Total Males Approved:	3	Total Males Denied:	0	Total Male Waived or Cont.:	0
Total Dispositions:	5	Total Approved:	3	Total Denied:	2	Total Waived or Cont.:	0
Approved Percentile: 60.0%				Denied Percentile: 40.0%			

**Hispanic/Latin American**

Total Females:	13	Total Females Approved:	3	Total Females Denied:	1	Total Females Waived or Cont.:	9
Total Males:	143	Total Males Approved:	40	Total Males Denied:	33	Total Male Waived or Cont.:	70
Total Dispositions:	158	Total Approved:	43	Total Denied:	34	Total Waived or Cont.:	81
Approved Percentile: 55.8%				Denied Percentile: 44.2%			

**Crimes:**

UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

**Dispositions:**

CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing

**Hearing Types:**

A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

## Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Appearance/Reappearance

#	<u>DOC ID</u>	<u>Offender Name</u>	<u>Crime</u>	<u>Parole Eligibility Date</u>			
<u>Hispanic/Native American</u>							
Total Females:	3	Total Females Approved:	1	Total Females Denied:	0	Total Females Waived or Cont.:	2
Total Males:	2	Total Males Approved:	0	Total Males Denied:	2	Total Male Waived or Cont.:	0
Total Dispositions:	5	Total Approved:	1	Total Denied:	2	Total Waived or Cont.:	2
Approved Percentile: 33.3%			Denied Percentile: 66.7%				
<u>Middle Eastern</u>							
Total Females:	2	Total Females Approved:	1	Total Females Denied:	0	Total Females Waived or Cont.:	1
Total Males:	1	Total Males Approved:	0	Total Males Denied:	1	Total Male Waived or Cont.:	0
Total Dispositions:	3	Total Approved:	1	Total Denied:	1	Total Waived or Cont.:	1
Approved Percentile: 50.0%			Denied Percentile: 50.0%				
<u>Native American</u>							
Total Females:	141	Total Females Approved:	26	Total Females Denied:	40	Total Females Waived or Cont.:	75
Total Males:	696	Total Males Approved:	185	Total Males Denied:	177	Total Male Waived or Cont.:	334
Total Dispositions:	838	Total Approved:	211	Total Denied:	217	Total Waived or Cont.:	410
Approved Percentile: 49.3%			Denied Percentile: 50.7%				
<u>Other</u>							
Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	5	Total Males Approved:	3	Total Males Denied:	2	Total Male Waived or Cont.:	0
Total Dispositions:	5	Total Approved:	3	Total Denied:	2	Total Waived or Cont.:	0
Approved Percentile: 60.0%			Denied Percentile: 40.0%				
<u>White/Caucasian</u>							
Total Females:	264	Total Females Approved:	73	Total Females Denied:	56	Total Females Waived or Cont.:	135
Total Males:	2563	Total Males Approved:	799	Total Males Denied:	576	Total Male Waived or Cont.:	1188
Total Dispositions:	2837	Total Approved:	875	Total Denied:	634	Total Waived or Cont.:	1328
Approved Percentile: 58.0%			Denied Percentile: 42.0%				
<u>White/Native American</u>							
Total Females:	3	Total Females Approved:	2	Total Females Denied:	0	Total Females Waived or Cont.:	1
Total Males:	18	Total Males Approved:	7	Total Males Denied:	4	Total Male Waived or Cont.:	7
Total Dispositions:	21	Total Approved:	9	Total Denied:	4	Total Waived or Cont.:	8
Approved Percentile: 69.2%			Denied Percentile: 30.8%				

**Crimes:**

UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

**Dispositions:**

CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP &amp; R = Cognitive Principles &amp; Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing

**Hearing Types:**

A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

## Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Appearance/Reappearance

#	<u>DOC ID</u>	<u>Offender Name</u>	<u>Crime</u>	<u>Parole Eligibility Date</u>				
<u>Report Totals</u>								
Total Females:	439	Total Females Approved:	107	Total Females Denied:	100	Total Females Waived or Cont.:	1	
Total Males:	3556	Total Males Approved:	1065	Total Males Denied:	830	Total Male Waived or Cont.:	7	
Total Dispositions:	4040	Total Approved:	1178	Total Denied:	937	Total Waived or Cont.:	8	
Approved Percentile:				55.7%	Denied Percentile:			44.3%

**Crimes:**

UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

**Dispositions:**

CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing

**Hearing Types:**

A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical



## Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Annual Review

# DOC ID	Offender Name	Crime	Parole Eligibility Date
<b><u>Race Unlisted</u></b>			
Total Females:	0	Total Females Approved:	0
Total Males:	1	Total Males Approved:	0
Total Dispositions:	3	Total Approved:	1
		Total Denied:	2
		Total Waived or Cont.:	0
		Approved Percentile:	33.3%
		Denied Percentile:	66.7%
<b><u>Asian/Oriental</u></b>			
Total Females:	0	Total Females Approved:	0
Total Males:	2	Total Males Approved:	1
Total Dispositions:	2	Total Approved:	1
		Total Denied:	1
		Total Waived or Cont.:	0
		Approved Percentile:	50.0%
		Denied Percentile:	50.0%
<b><u>Black/African American</u></b>			
Total Females:	0	Total Females Approved:	0
Total Males:	22	Total Males Approved:	2
Total Dispositions:	22	Total Approved:	2
		Total Denied:	20
		Total Waived or Cont.:	0
		Approved Percentile:	9.1%
		Denied Percentile:	90.9%
<b><u>Black/Native American</u></b>			
Total Females:	0	Total Females Approved:	0
Total Males:	1	Total Males Approved:	0
Total Dispositions:	1	Total Approved:	0
		Total Denied:	1
		Total Waived or Cont.:	0
		Approved Percentile:	0.0%
		Denied Percentile:	100.0%
<b><u>Hispanic/Latin American</u></b>			
Total Females:	3	Total Females Approved:	0
Total Males:	17	Total Males Approved:	6
Total Dispositions:	20	Total Approved:	6
		Total Denied:	14
		Total Waived or Cont.:	0
		Approved Percentile:	30.0%
		Denied Percentile:	70.0%
<b><u>Hispanic/Native American</u></b>			
Total Females:	0	Total Females Approved:	0
Total Males:	5	Total Males Approved:	1
Total Dispositions:	5	Total Approved:	1
		Total Denied:	3
		Total Waived or Cont.:	1
		Approved Percentile:	25.0%
		Denied Percentile:	75.0%

**Crimes:** UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

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**Hearing Types:** A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

# State of Montana - Board of Pardons and Parole

01-2007 to 10-2008

## Final Board Dispositions By Hearing Type - Date Range Summary

### Hearing Type: Annual Review

# DOC ID	Offender Name	Crime	Parole Eligibility Date				
<u>Native American</u>							
Total Females:	11	Total Females Approved:	4	Total Females Denied:	7	Total Females Waived or Cont.:	0
Total Males:	147	Total Males Approved:	42	Total Males Denied:	100	Total Male Waived or Cont.:	5
Total Dispositions:	158	Total Approved:	46	Total Denied:	107	Total Waived or Cont.:	5
Approved Percentile: 30.1%				Denied Percentile: 69.9%			
<u>Other</u>							
Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	4	Total Males Approved:	0	Total Males Denied:	3	Total Male Waived or Cont.:	1
Total Dispositions:	4	Total Approved:	0	Total Denied:	3	Total Waived or Cont.:	1
Approved Percentile: 0.0%				Denied Percentile: 100.0%			
<u>White/Caucasian</u>							
Total Females:	37	Total Females Approved:	20	Total Females Denied:	12	Total Females Waived or Cont.:	5
Total Males:	473	Total Males Approved:	143	Total Males Denied:	312	Total Male Waived or Cont.:	18
Total Dispositions:	511	Total Approved:	163	Total Denied:	325	Total Waived or Cont.:	23
Approved Percentile: 33.4%				Denied Percentile: 66.6%			
<u>White/Native American</u>							
Total Females:	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	4	Total Males Approved:	2	Total Males Denied:	2	Total Male Waived or Cont.:	0
Total Dispositions:	4	Total Approved:	2	Total Denied:	2	Total Waived or Cont.:	0
Approved Percentile: 50.0%				Denied Percentile: 50.0%			
<u>Report Totals</u>							
Total Females:	51	Total Females Approved:	24	Total Females Denied:	22	Total Females Waived or Cont.:	0
Total Males:	676	Total Males Approved:	197	Total Males Denied:	454	Total Male Waived or Cont.:	0
Total Dispositions:	730	Total Approved:	222	Total Denied:	478	Total Waived or Cont.:	0
Approved Percentile: 31.7%				Denied Percentile: 68.3%			

**Crimes:** UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

**Dispositions:** CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing

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# BOARD OF PARDONS AND PAROLE CASELOAD CALENDAR YEAR 1976 THROUGH 2007

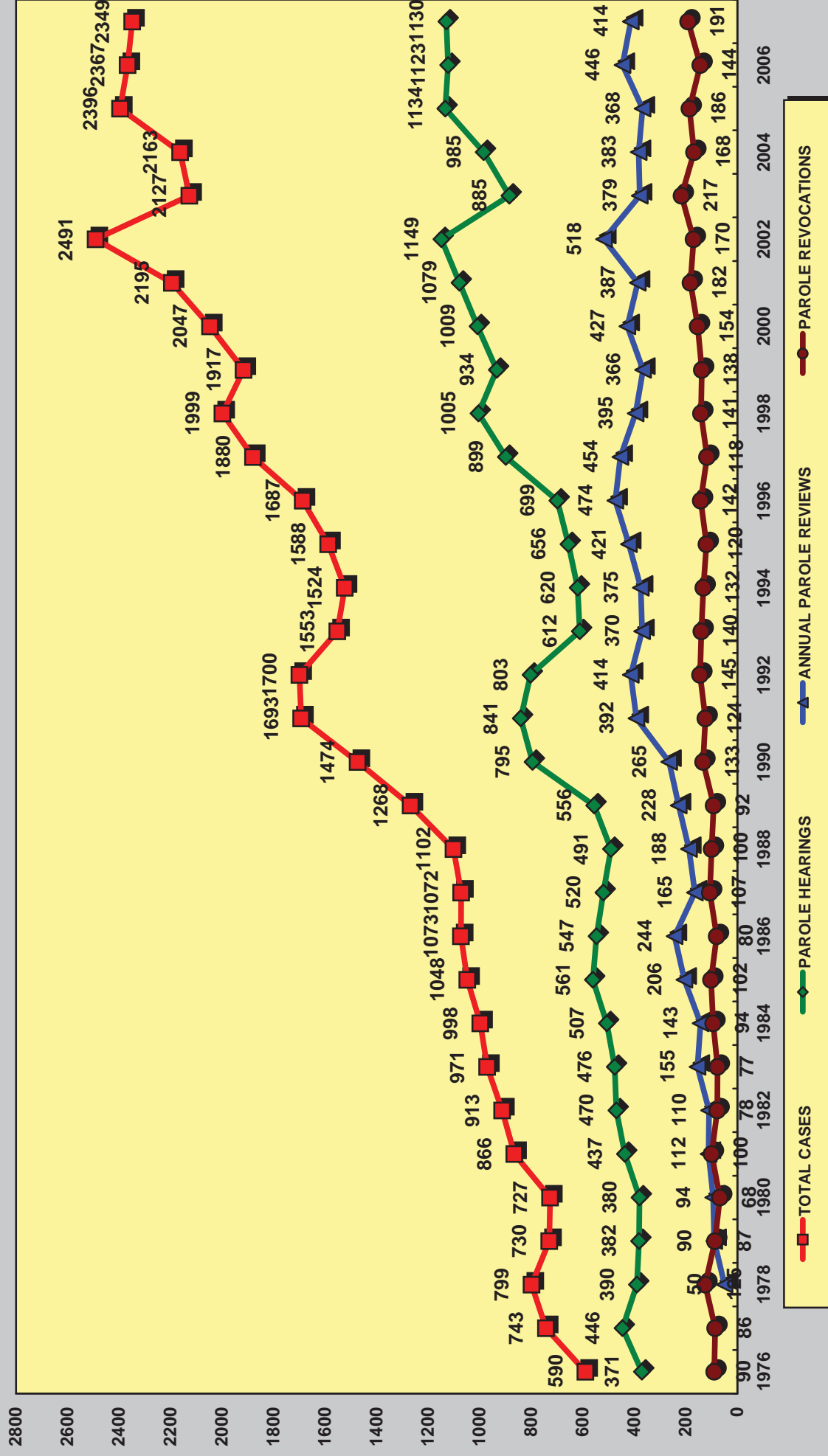


Figure 2

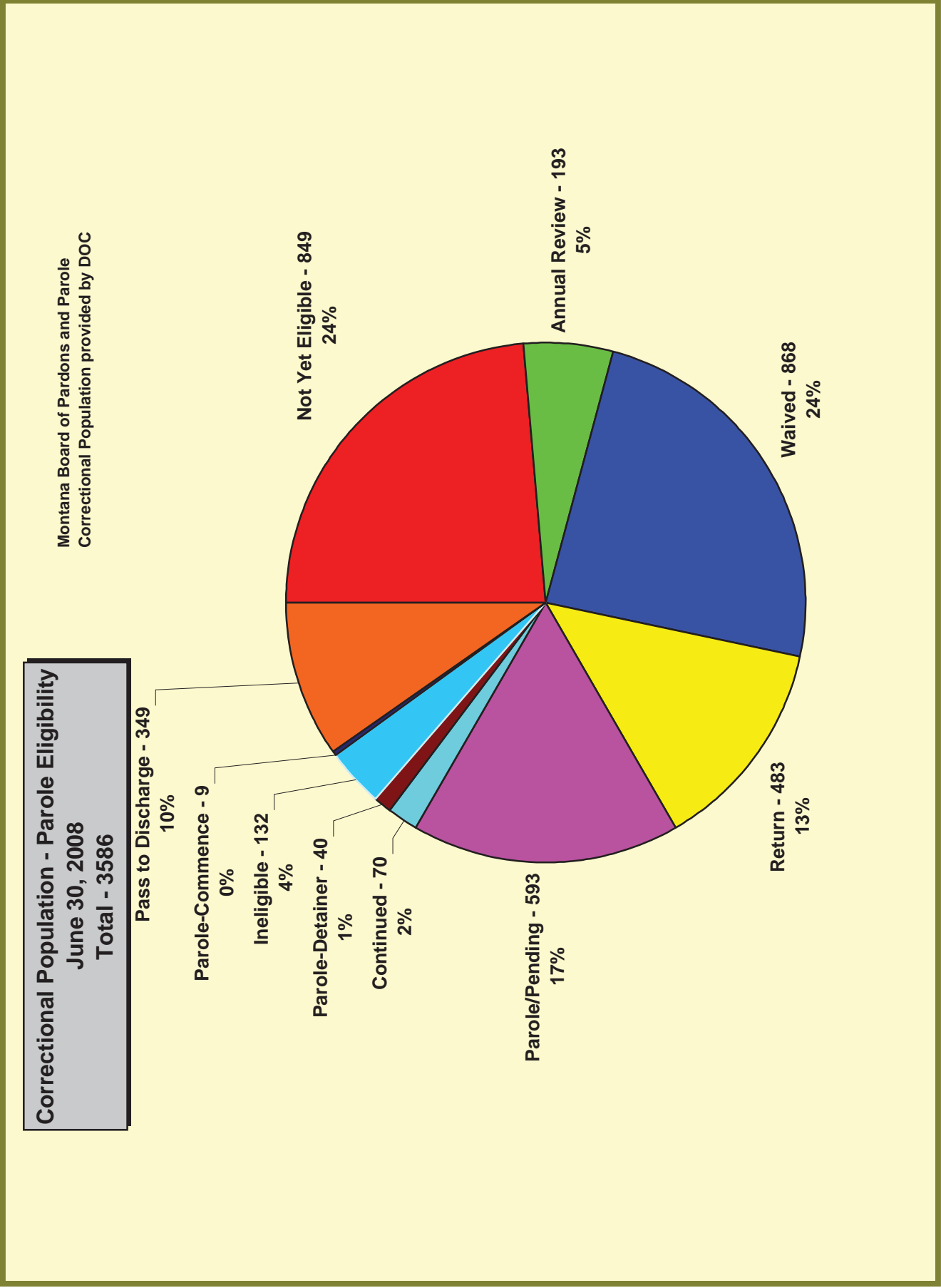
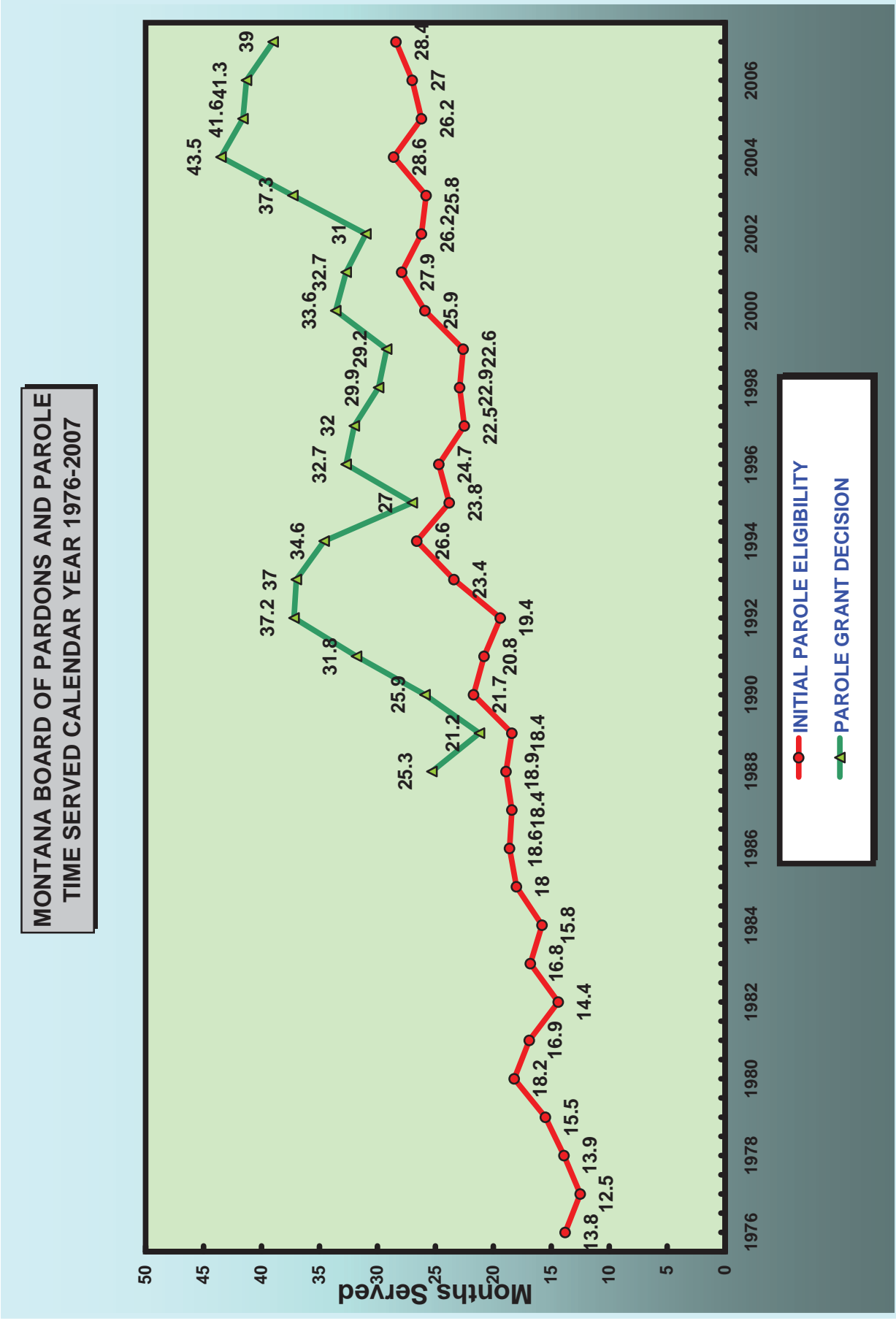


Figure 3



MONTANA BOARD OF PARDONS AND PAROLE

Figure 4

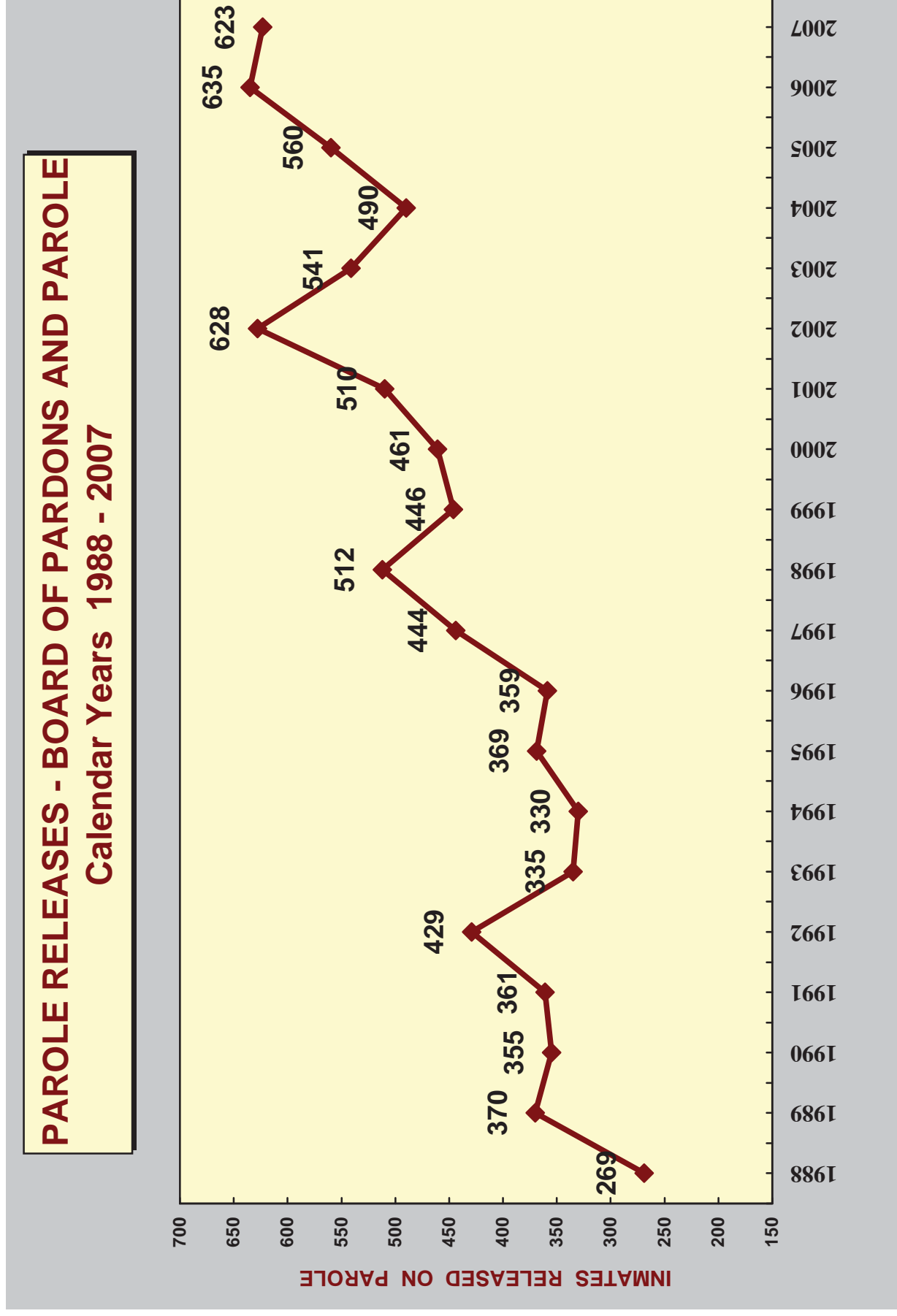


Figure 5

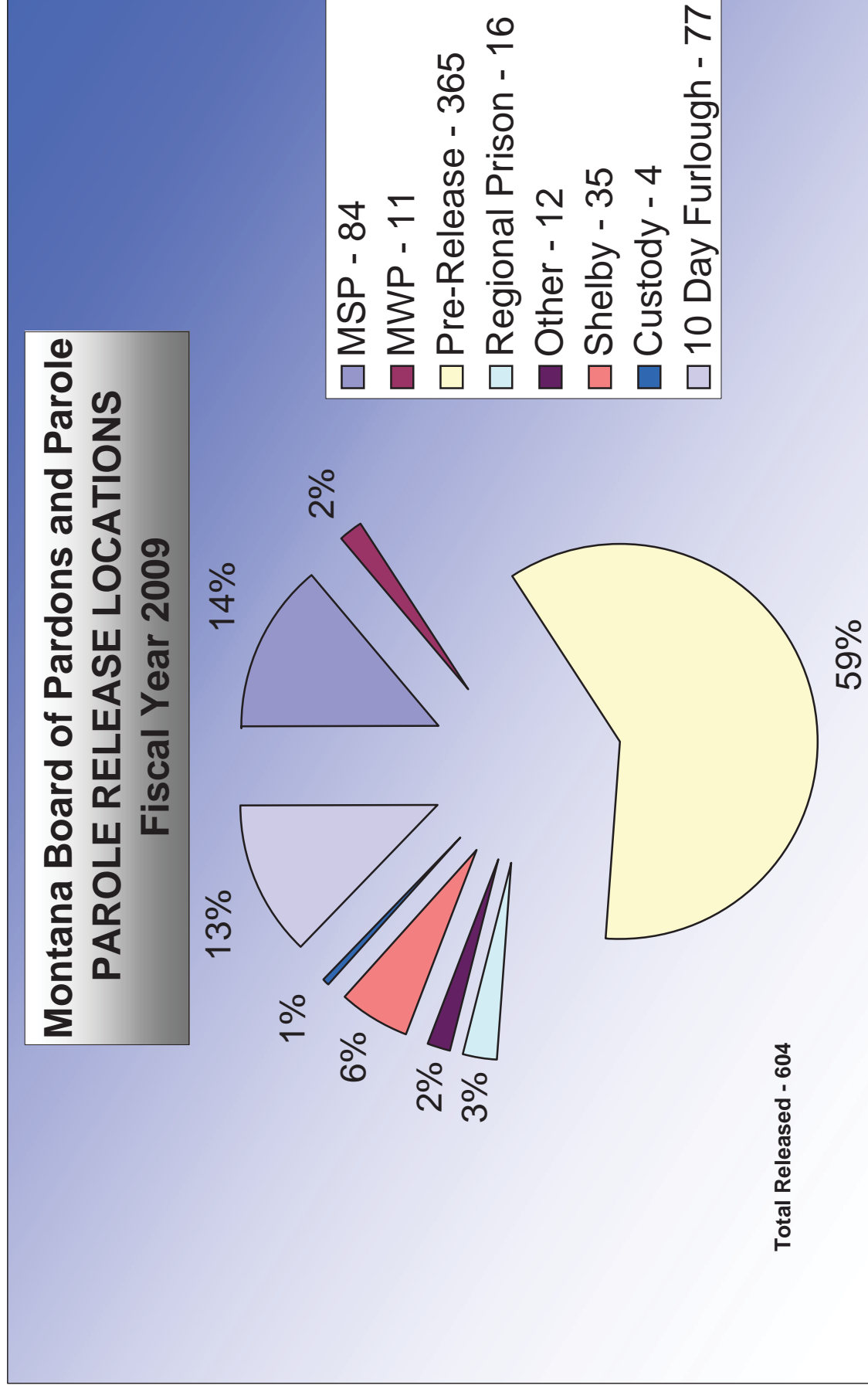




Figure 6

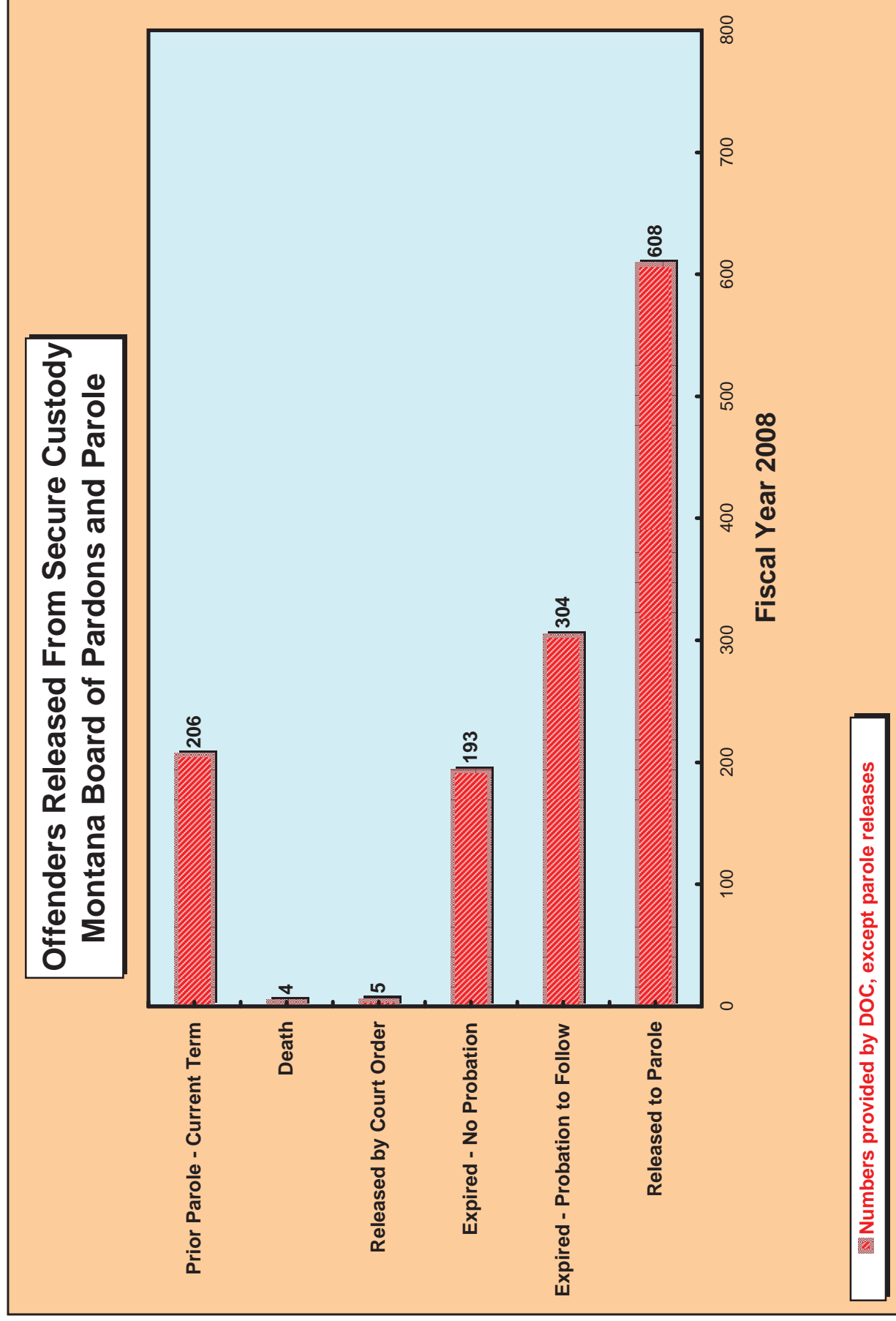


Figure 7

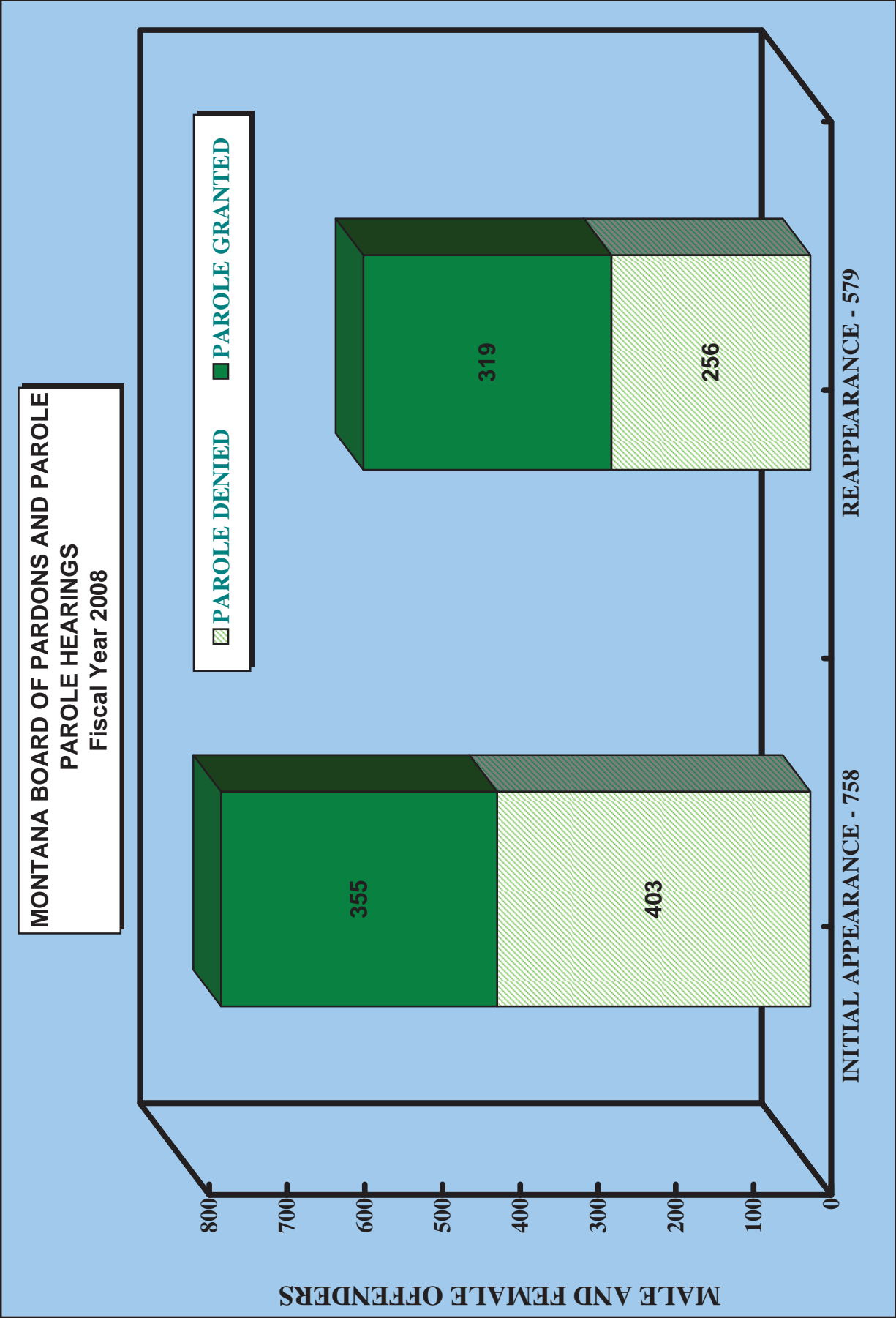


Figure 8

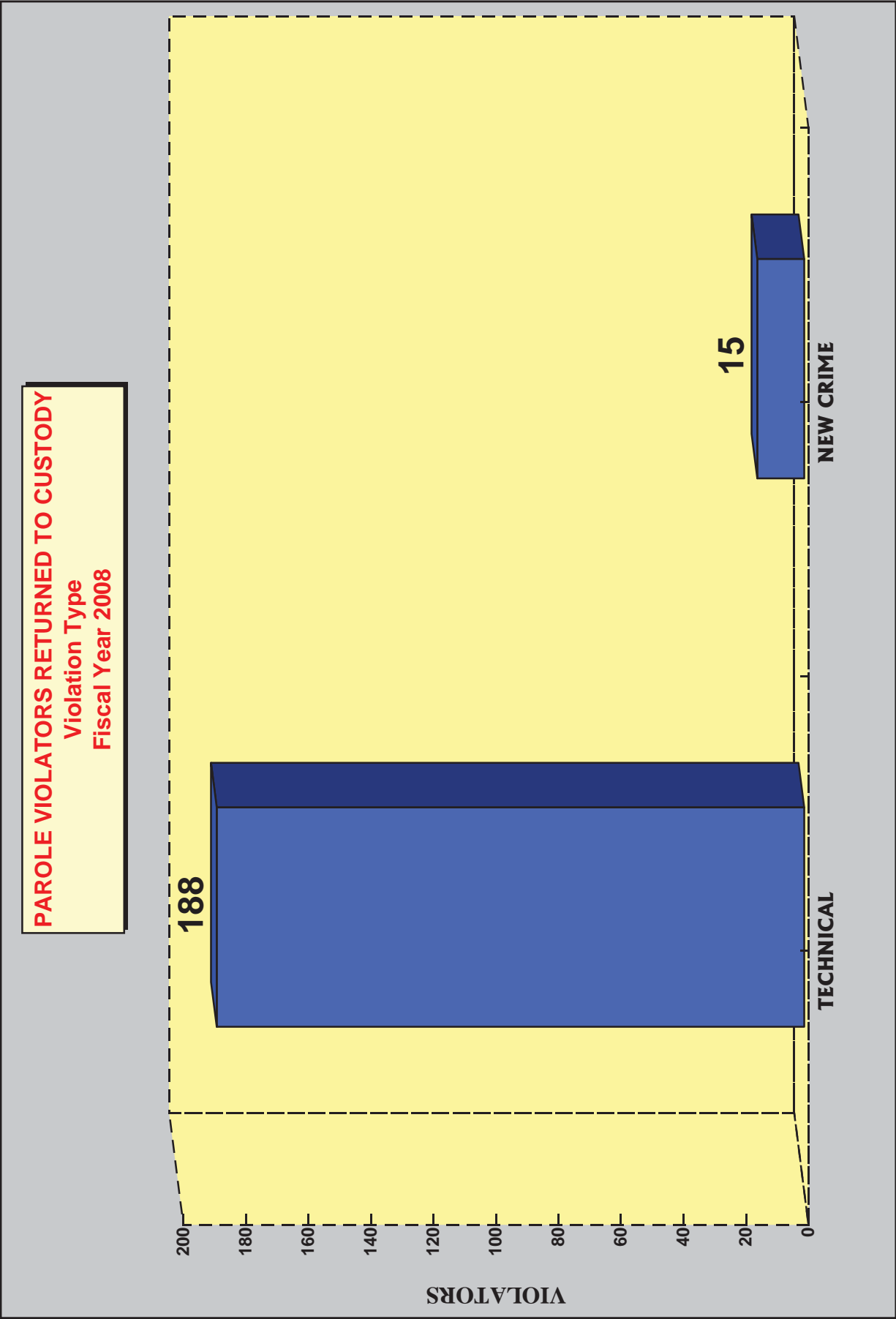


Figure 9

